

# A RIGHT FOR ALL

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## FREEDOM OF RELIGION OR BELIEF IN ASEAN



Cover image: A group of Indonesian Muslims offers morning prayers to mark Eid al-Fitr on the grounds of the Hati Kudus Jesus church in Malang, East Java on July 6, 2016 as a show of solidarity and tolerance to the Christian faith. Indonesian Muslims [were] celebrating Eid with festivities and family reunions in the world's most populous Muslim-majority country at the end of the holy month of Ramadan. (Photo by AMAN ROCHMAN/AFP/Getty Images)

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## FREEDOM OF RELIGION OR BELIEF IN ASEAN

Tina L. Mufford  
Senior Policy Analyst, East Asia and Pacific  
United States Commission on International Religious Freedom

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#### WHO WE ARE

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA) that monitors the universal right to freedom of religion or belief abroad. USCIRF uses international standards to monitor violations of religious freedom or belief abroad and makes policy recommendations to the President, the Secretary of State, and Congress. USCIRF Commissioners are appointed by the President and Congressional leaders of both political parties. The Commission's work is supported by a professional, nonpartisan staff of regional subject matter experts. USCIRF is separate from the State Department, although the Department's Ambassador-at-Large for International Religious Freedom is a non-voting, ex officio Commissioner.

#### WHAT IS RELIGIOUS FREEDOM

Inherent in religious freedom is the right to believe or not believe as one's conscience leads, and live out one's beliefs openly, peacefully, and without fear. Freedom of religion or belief is an expansive right that includes the freedoms of thought, conscience, expression, association, and assembly. While religious freedom is America's first freedom, it also is a core human right international law and treaty recognize; a necessary component of U.S. foreign policy and America's commitment to defending democracy and freedom globally; and a vital element of national security, critical to ensuring a more peaceful, prosperous, and stable world.

## Professional Staff

Dwight Bashir, *Director of Research and Policy*

Elizabeth K. Cassidy, *Director of International Law and Policy*

Judith E. Golub, *Director of Congressional Affairs & Policy and Planning*

John D. Lawrence, *Director of Communications*

Elise Goss-Alexander, *Researcher*

Andrew Kornbluth, *Policy Analyst*

Tiffany Lynch, *Senior Policy Analyst*

Tina L. Mufford, *Senior Policy Analyst*

Jomana Qaddour, *Policy Analyst*

Karen Banno, *Office Manager*

Roy Haskins, *Manager of Finance and Administration*

Travis Horne, *Government and Media Relations Specialist*

Zachary Udin, *Legislative Analyst*

The author wishes to acknowledge the invaluable research conducted by Elise Goss-Alexander, USCIRF Researcher, as well as the work of USCIRF interns:

Christian Kim, *Policy Intern, East Asia-Pacific, 2016*

Anna Scott Bell, *Policy Intern, East Asia-Pacific, 2015*



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## Acronyms

AEC	ASEAN Economic Community
AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Intergovernmental Commission on Human Rights
APSC	ASEAN Political-Security Community
ARF	ASEAN Regional Forum
ASCC	ASEAN Socio-Cultural Community
ASEAN	Association of Southeast Asian Nations
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CPC	Country of Particular Concern
EAS	East Asia Summit
ICCPR	International Covenant on Civil and Political Rights
IRFA	International Religious Freedom Act
SLD	Shangri-La Dialogue
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	UN High Commissioner for Refugees
USCIRF	U.S. Commission on International Religious Freedom

## Executive Summary

### Overview

The countries of Southeast Asia—bound together in the regional bloc known as the [Association of Southeast Asian Nations \(ASEAN\)](#)—are vastly diverse in their geographic size, governing systems, economies, and cultural and societal heterogeneity. Also, each country is different in its degree of adherence to international human rights standards and its protection (or denial) of the freedoms therein, including the universal freedom of religion or belief. In ASEAN’s 50th year, the [U.S. Commission on International Religious Freedom \(USCIRF\)](#) presents *A Right for All: Freedom of Religion or Belief in ASEAN*. The report documents ASEAN’s and the Member States’ approaches to this fundamental right, underscores the religious freedom-related challenges in the region that transcend country borders, and emphasizes the strategic importance of robust U.S. engagement on these issues with ASEAN as a collective and the 10 individual Member States: Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam.

ASEAN’s approach to human rights often has been diminished by two competing interests: the Member States’ desire to integrate as a bloc and their deeply embedded reliance on independence and non-interference in one another’s affairs. In an increasingly interdependent, interconnected community such as ASEAN, it is vital that governments and societies recognize—both within and across their borders—when the right to freedom of religion or belief is being abused and take steps to protect individuals and groups whose rights are violated.

The United States—now in its 40th year engaging with ASEAN—wields significant weight and influence in the region and with individual Member States. The United States must encourage ASEAN Member States to achieve prosperity for their own people and live up to the core principles all countries agree to when joining the United Nations and upon becoming party to international human rights instruments.

### ***ASEAN, Human Rights, and Freedom of Religion or Belief***

ASEAN and the individual Member States have an inconsistent record protecting and promoting human rights, and even more so with respect to freedom of religion or belief. Often, ASEAN countries have lacked cohesion and a strong will to act in response to seri-

ous violations within their own borders and among the other members of the bloc. In 2009, ASEAN established the [ASEAN Intergovernmental Commission on Human Rights \(AICHR\)](#), and in 2012 it adopted the [ASEAN Human Rights Declaration \(AHRD\)](#).

Critics have challenged the efficacy of the AICHR as a human rights body and the AHRD as a human rights instrument. The international community should call upon Member States to uphold the higher standards embodied in international human rights instruments such as the [International Covenant on Civil and Political Rights \(ICCPR\)](#).

Key findings about freedom of religion or belief in the 10 Member States include:

- **Brunei:** The identification of the state and the public sphere with Islam in the person of the sultan sometimes challenges the religious freedom of non-Muslims or heterodox Muslim residents, whose communities may be banned or ruled by Shari’ah despite their affiliation.
- **Burma:** While the year 2016 marked a historic and peaceful transition of government in Burma, outright impunity for abuses committed by the military and some non-state actors and the depth of the humanitarian crisis for displaced persons continue to drive the ill treatment of religious and ethnic groups.
- **Cambodia:** Cambodia has few internal challenges with freedom of religion or belief, but could do more to uphold its human rights commitments, particularly under the Refugee Convention.
- **Indonesia:** The Indonesian government often intervenes when religious freedom abuses arise, particularly if they involve violence. Non-Muslims and non-Sunni Muslims, however, endure ongoing difficulties obtaining official permission to build houses of worship, experience vandalism at houses of worship, and are subject to discrimination as well as sometimes violent protests that interfere with their ability to practice their faith.
- **Laos:** In some areas of Laos, local authorities harass and discriminate against religious and ethnic minorities, and pervasive government control and onerous regulations impede freedom of religion or belief.
- **Malaysia:** Malaysia’s entrenched system of government advantages the ruling party and the Sunni Muslim Malay majority at the expense of

religious and ethnic minorities, often through government-directed crackdowns on religious activity, expression, or dissent.

- **Philippines:** With the strong influence of the Catholic Church, as well as the needs of other religious groups, the Philippines grapples with the separation of church and state, and also with the violence that continues to dominate relations with Muslims on the island of Mindanao.
- **Singapore:** Singapore's history of intercommunal violence informs its current policies, which prioritize harmony between the country's major religions, sometimes at a cost to freedom of expression and the rights of smaller religious communities.
- **Thailand:** The primacy of Buddhism is most problematic to freedom of religion or belief in the largely Malay Muslim southern provinces, where ongoing Buddhist-Muslim tensions contribute to a growing sense of nationwide religious-based nationalism.
- **Vietnam:** Vietnam has made progress to improve religious freedom conditions, but severe violations continue, especially against ethnic minority communities in rural areas of some provinces.

### **Challenges**

The 10 Member States experience a number of common and crosscutting challenges that underscore how violations of freedom of religion or belief occur across borders and within the context of broader and related regional trends. ASEAN should acknowledge and work to address the following problems: protection gaps for refugees, asylum seekers, trafficked persons, and those internally displaced; the use of anti-extremism and antiterrorism laws as a means to limit religious communities' legitimate activities, stifle peaceful dissent, and imprison people; the use of nationalistic sentiment by individuals and groups who manipulate religion to the detriment of other religious and ethnic groups; arrests, detentions, and imprisonments based on religious belief, practice, or activities; and the existence and implementation of blasphemy laws that are used to incite or inspire violence, generally by members of a majority religious group against those from a religious minority community.

### **ASEAN's Principle of Non-Interference**

ASEAN Member States regularly invoke the principle of non-interference (the enshrined tenet of national

sovereignty, integrity, and independence), but on occasion have set it aside when it was to their advantage. While the ASEAN countries understandably first and foremost protect their own interests, each has a broader responsibility to act in harmony with the community of nations, particularly when human rights issues, including freedom of religion or belief, transcend country borders.

### **U.S.-ASEAN Relations**

During ASEAN's 50th year and after 40 years of U.S.-ASEAN engagement, the United States should leverage its interest and influence in the region to press Member States to uphold international human rights standards. Although some of the ASEAN Member States are more open to U.S. engagement about human rights issues, strong and consistent prodding from the United States—including positive reinforcement when warranted—would send a clear signal about U.S. priorities in the region.

### **Conclusion**

ASEAN and the individual Member States must understand that the global community of nations is grounded in the premise that everyone observe a rules-based international order, which includes the responsibility to uphold freedom of religion or belief and related human rights. This means ASEAN and the Member States should take steps to:

- adhere to international human rights instruments;
- welcome visits by international human rights monitors;
- ensure unfettered access by aid workers, independent media, and other international stakeholders to vulnerable populations and conflict areas;
- repeal blasphemy and related laws;
- release prisoners of conscience; and
- strengthen interfaith relationships.

# ASEAN Member States



## Introduction

The following report marks the 50th year of the Association of Southeast Asian Nations (ASEAN) on August 8, 2017, and the 40th year of U.S.-ASEAN engagement. The 10 ASEAN Member States are: Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam.

Observers regularly question whether ASEAN truly is a unified and coherent regional bloc. One often-overlooked area in which ASEAN lacks cohesion is human rights. The individual ASEAN Member States and the organization as a whole have an inconsistent record protecting and promoting human rights, even more so with respect to freedom of religion or belief. This report's objective is not to compare and contrast religious freedom across the Member States, but rather provide the reader a sense of the general framework within which these countries adhere to or disregard international standards for freedom of religion or belief and related human rights. The report offers a brief background of ASEAN's beginnings 50 years ago and then summarizes freedom of religion or belief in each of the 10 Member States. These country profiles are primarily based on conditions for religious freedom occurring within the last year or two, but also include some historical perspective. Next, the report examines several common and crosscutting challenges that touch on religious freedom and affect the region broadly, underscoring that freedom of religion or belief and related human rights must be considered across borders and within a larger social, political, and economic framework. The report then discusses ASEAN's principle of non-interference and makes the case that it is possible for Member States to advocate for the protection of freedom of religion or belief while remaining true to what the principle represents. This is followed by an overview of U.S.-ASEAN relations. The report closes with a conclusion and a list of benchmarks and best practices the ASEAN Member States should observe.

Each ASEAN Member State is naturally unique in its manner of embracing religious diversity and adherence to international standards, as well as its individual governing systems and overall societal traditions and attitudes toward freedom of religion or belief. However, the fact that these 10 countries have bonded in a regional bloc ties them together with a common thread, vested in each other's national and regional interests, sharing in one another's successes, and carrying the burden of one another's challenges.

Over the years, and despite its deeply embedded reliance on independence and non-interference, ASEAN has taken deliberate steps toward integration, which is a reflection of the Member States' desire to deepen and grow as a unit without relinquishing control over their own internal affairs.

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*"Everyone has the right to freedom of thought, conscience and religion."*

—Art. 18 UDHR

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As a key ASEAN partner, the United States' engagement with individual Member States and the collective bloc carries significant weight and influence. This is a responsibility the United States should not take lightly. That said, the objective of U.S. engagement is not to encourage ASEAN Member States to emulate an American ideal, but rather to promote respect for the universal values that are the inherent right of all human beings. The United States must encourage ASEAN Member States to achieve prosperity for their own people and live up to the core principles all countries agree to when joining the United Nations and upon becoming party to international human rights instruments.

This is especially true when it comes to freedom of religion or belief and related human rights. The ability to shape, change, and express one's own thoughts, beliefs, and emotions is a reflection of each individual person's heart and soul—and one that cannot be forcefully coopted by government or society without one's consent. Authoritarian governments that rely and operate on complete control stake their ground on putting themselves in direct tension and conflict with religion and belief, as well as with nonbelief. In an interdependent, interconnected community such as ASEAN, it is vital for governments and societies to recognize—both within and across their borders—when the right to freedom of religion or belief is being abused.

Religious freedom is an important human right recognized in international law and treaties. Article 18 of the Universal Declaration of Human Rights (UDHR) affirms that: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or



belief in teaching, practice, worship and observance.” The freedom of religion or belief is an expansive right that includes the freedoms of thought and conscience, and is intertwined with the freedoms of expression, association, and assembly. The promotion of this freedom is a necessary component of U.S. foreign policy.

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*“ASEAN should act to bring its human rights instruments in line with international standards.”*

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This report, like all of USCIRF’s reporting, is based on the Commission’s ongoing, independent review of the facts and circumstances surrounding violations of the freedom of religion or belief abroad. Each year, USCIRF issues an [Annual Report](#), which assesses the U.S. government’s implementation of the International Religious Freedom Act (IRFA), recommends countries that the secretary of state should designate as “countries of particular concern” (CPCs) for engaging in or tolerating “systematic, ongoing, egregious violations of religious freedom,” documents country conditions in more than 35 countries and regions, reports on significant trends, and makes recommendations for U.S. policy.

*Note about the report: Regarding the reporting of conditions and trends, this report monitors events through May 31, 2017. Events occurring after this date may not be reflected in the report.*

## **ASEAN, Human Rights, and Freedom of Religion or Belief**

On August 8, 1967, the ASEAN “Founding Fathers” gathered in Bangkok, Thailand, to sign the [ASEAN Declaration](#), agreeing to partner on important regional issues: economic growth, social and cultural development, and peace and security. The five original members—Indonesia, Malaysia, the Philippines, Singapore, and Thailand—were later joined by Brunei (1984), Vietnam (1995), Laos and Burma (1997), and Cambodia (1999). In 1976, the Member States established an ASEAN Secretariat based in Jakarta, Indonesia. In part, ASEAN was born of the collective desire for regional stability during the Cold War era. Over time, the ASEAN Member States broadened to include aims such as integration and prosperity. They

formalized their shared interests by creating a unified ASEAN Community consisting of the ASEAN Political-Security Community (APSC), the ASEAN Economic Community (AEC), and the ASEAN Socio-Cultural Community (ASCC). ASEAN’s motto, aptly, is “One Vision, One Identity, One Community.”

ASEAN has sought to address human rights in a number of ways, in part stemming from the 1993 World Conference on Human Rights held in Vienna, Austria, and the subsequent Vienna Declaration.<sup>1</sup> In 2009, ASEAN established the [ASEAN Intergovernmental Commission on Human Rights \(AICHR\)](#) to fulfill Article 14 of the ASEAN Charter<sup>2</sup> that instructed ASEAN to create a human rights body. In 2012, ASEAN adopted the [ASEAN Human Rights Declaration \(AHRD\)](#). Critics have challenged the efficacy of AICHR as a human rights body and the AHRD as a human rights instrument. With respect to freedom of religion or belief, the American Bar Association Rule of Law Initiative stated in its 2014 report, *The ASEAN Human Rights Declaration: A Legal Analysis*, “The AHRD departs from other international human rights instruments by omitting the freedom to manifest one’s religion or belief in teaching, practice, and worship and observance.”<sup>3</sup> The analysis goes on to suggest that ASEAN should act to bring its human rights instruments in line with international standards and calls on ASEAN “to narrow the circumstances under which a state could permissibly limit the right to religious expression or belief.”<sup>4</sup>

Assigning ASEAN’s mixed record on freedom of religion or belief to the effectiveness, or lack thereof, of the AICHR and AHRD not only oversimplifies the collective, regional responsibility of ASEAN members to adhere to international human rights standards, but also understates each Member State’s responsibility to do the same on an individual basis. The AICHR and AHRD may not equip ASEAN to more fully address human rights issues, but the international community should call upon Member States to uphold a higher standard.

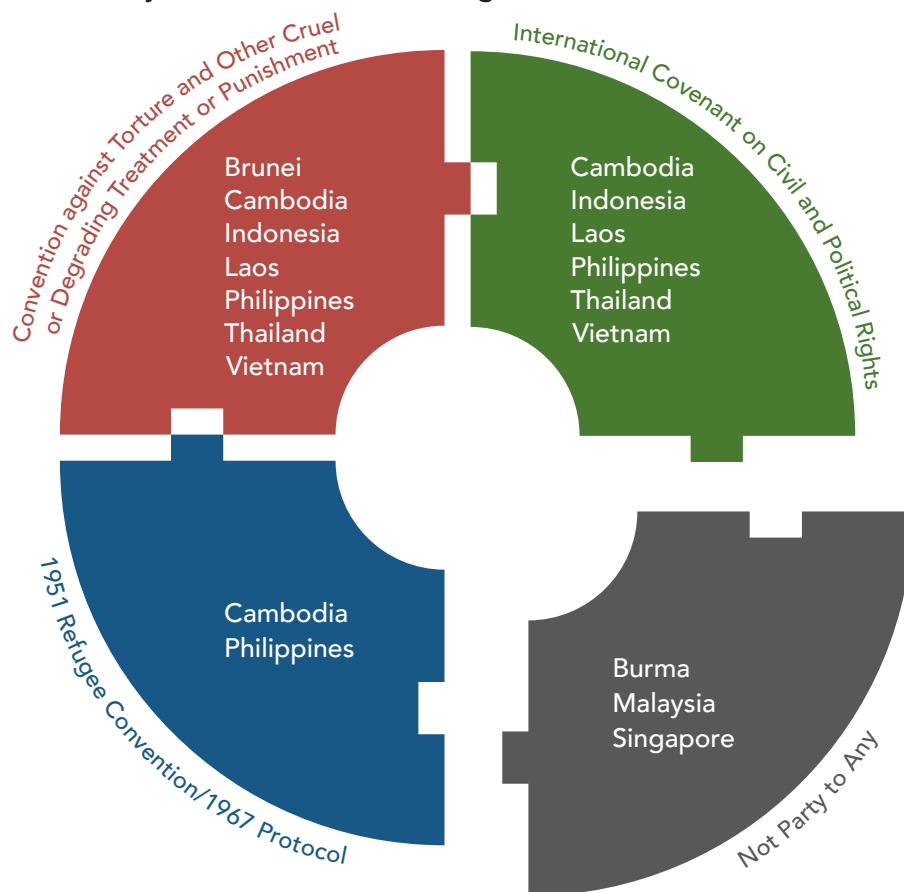
## **Freedom of Religion or Belief in ASEAN**

### **Overview**

Southeast Asia is a dynamic region for many reasons, religion among them. Some of the ASEAN Member States are more religiously homogenous (e.g., the Philippines), while others have larger population shares of minority faiths (e.g., Singapore). Buddhism is the most common majority faith in the region, followed



## ASEAN Member States Party to Three Major International Human Rights Instruments



by Islam. However, based on collective population size, Islam is the most prevalent faith among ASEAN Member States. Even a country's majority faith can find itself in the minority in certain areas.

While some ASEAN Member States appear to mimic one another regarding religious freedom policy, especially when they share a common majority faith, each is unique in how it addresses the universal right to freedom of religion or belief and how it responds to religious discrimination, violence, or other conflict. Some of the Member States have national human rights commissions with varying degrees of independence and influence, though religious freedom is not always an issue they monitor.

Six of the 10 Member States have signed and/or ratified/acceded to the [International Covenant on Civil and Political Rights \(ICCPR\)](#). Those not party to the ICCPR are Brunei, Burma, Malaysia, and Singapore. However, far fewer are party to the 1951 Refugee Convention and its 1967 Protocol, with only Cambodia and the Philippines as signatories. The countries not party to the Convention against Torture and Other

Cruel, Inhuman or Degrading Treatment or Punishment (CAT) are Burma, Malaysia, and Singapore.

In 2011, Timor-Leste applied to join ASEAN and become the 11th Member State. With a population of more than 1.2 million, Timor-Leste is predominantly Catholic (nearly 97 percent Roman Catholic). In 2003, shortly after gaining independence, Timor-Leste ratified/acceded to the ICCPR, the Refugee Convention, and the CAT.

Religious freedom conditions in the 10 Member States appear below, in alphabetical order. Whereas some countries grant official recognition to certain faiths (in most cases in their constitution), others use a registration process as a form of recognition, either for individual religious organizations or entire faiths. For a quick reference guide of constitutional provisions in each country, refer to Table 1: Freedom of Religion or Belief Constitutional Provisions (p.26). Unless otherwise indicated, population and demography statistics are sourced from [The World Factbook](#).

 **Brunei**

**Full Name:** Brunei Darussalam

**Government:** Absolute Monarchy, or Sultanate

**Population:** 436,620

**Government-Recognized Religions/Faiths:** Islam (official state religion); other religious groups may be granted registration, excluding those deemed “deviant”

**Religious Demography:**

- Muslim: 78.8%
- Christian: 8.7%
- Buddhist: 7.8%
- Other (includes indigenous beliefs): 4.7%

**Key Findings:** The identification of the state and the public sphere with Islam in the person of the sultan sometimes challenges the religious freedom of non-Muslims or heterodox Muslim residents, whose communities may be banned or ruled by Shari’ah despite their affiliation.

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The small country of Brunei is majority Malay Muslim, but nearly 20 percent of the population follows Christianity, Buddhism, or local animist religious traditions. Brunei is ruled by the hereditary sultan, who also serves as the prime minister, minister of defense, and minister of finance, and by the national philosophy of *Melayu Islam Beraja* (MIB), or Malay Islamic Monarchy. The Bruneian constitution names Islam as the religion of the country and the sultan as the head of national religion, and requires that the prime minister be a Malay Shafi’i Muslim. The constitution also stipulates that all religions other than Islam “may be practiced in peace and harmony.” Under the country’s state of emergency, which has been in place since 1962, the sultan appoints the members of the Legislative Council and may modify, amend, supersede, or suspend any provisions of written law.

In October 2013, the current sultan announced the introduction of the Shari’ah Penal Code (SPC). In April 2014, the sultan announced the first stage of the SPC, supplementing and expanding existing laws on general offenses like propagation of religions other than Shafi’i Islam; gender mixing of nonmarried individuals (*khalwat*); and eating, drinking, or smoking during Ramadan. While the government stated that certain offenses—like failure to perform

Friday prayer—are applicable only to Muslims, most articles of the SPC are applied regardless of religion or nationality. The latter two stages of SPC implementation, involving harsher punishments like flogging, amputation, and execution, were originally planned to be instituted one and two years after codification of the Shari’ah Courts Criminal Procedure Code. Almost two years later, the sultan expressed impatience with the Ministry of Religious Affairs (MoRA) and the attorney general over continued delays of the draft code. As of July 2017, the code had yet to be finalized and published.

Brunei’s legal system operates parallel civil and Shari’ah systems for both criminal and family law through separate courts, providing custody preference to Muslim parents in interreligious families. Shari’ah offenses are policed by the Religious Enforcement Division, while the Royal Brunei Police Force investigates crimes not covered under Shari’ah law and refers them to the Attorney General’s Chamber. Crimes that come under both civil and Shari’ah law may be prosecuted under either; jurisprudential precedence in such cases is unclear.

All religious organizations seeking to operate in Brunei must register with the government, which has banned groups viewed as “deviant,” including Al-Ar-

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*“Most articles of the Shari’ah Penal Code are applied regardless of religion or nationality.”*

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qam, Abdul Razak Mohammad, Al-Ma’unah, Saihoni Taispan, Tariqat Mufarridiyyah, Silat Lintau, Ahmadiyya, Qadiyaniah, and the Baha’i faith. The MoRA administers classes on Shafi’i Islam and the national philosophy in all schools, with non-Muslims exempted from some religion classes. It also drafts and approves Friday sermons, which are delivered only by registered imams. Churches and affiliate schools are constrained by a *fatwa* (religious edict) on construction and expansion of buildings and face bureaucratic delays in receiving permits for renovation. The government also reserves use of certain words in religious contexts, including “Allah,” for Muslims only.

Most cases brought under the SPC in its first years of implementation involved *khalwat*: by September 2014, the government reported 42 people (15 non-Bruneians) were under investigation for the offense, with eight convictions. According to the U.S. Department of State International Religious Freedom Report,<sup>5</sup> in 2015 the total *khalwat* cases reached 103 (involving eight non-Muslims) with 69 convictions, while the first half of 2016 saw 55 cases and 46 convictions. However, the first SPC conviction involved an Indonesian in Brunei accused of smoking during Ramadan; other cases brought under the SPC involved alcohol consumption by Muslims and cross-dressing.

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*“In December 2014, the MoRA banned public Christmas decorations as propagation of a religion other than Islam.”*

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In December 2014, the MoRA banned public Christmas decorations as propagation of a religion other than Islam and warned Muslims not to “imitate” Christians by wearing Santa Claus costumes. Likewise, the government banned public celebration of the Chinese New Year and warned Muslims against participating in the traditional lion dance. In June 2015, a group of non-halal restaurant owners wrote to the MoRA asking permission to serve non-Muslims during Ramadan; the ministry responded by reiterating the ban on serving dine-in customers of any religion during the month. These restrictions on religious freedom occurred within a larger context of tightening freedom of expression.

In November 2016, the *Brunei Times*, the country’s second-largest daily newspaper, shut down unexpectedly. While the newspaper’s statement cited “business issues,” others alleged it closed due to pressure from the Saudi Embassy following an article attributing hikes in hajj-visa fees to Saudi economic troubles.

## Burma

**Full Name:** Union of Burma, also known as Myanmar, or the Union of Myanmar

**Government:** Parliamentary Republic

**Population:** 51,486,253 (population and religious demography figures according to Burma's 2014 census)

**Government-Recognized Religions/Faiths:** Buddhism, Christianity, Islam, Hinduism, Animism

### Religious Demography:

- Buddhist: 89.8%
- Christian: 6.3%
- Muslim: 2.3% (4.3% when accounting for non-enumerated Muslims in Rakhine State)
- Animist: 0.8%
- Hindu: 0.5%
- Other: 0.2%
- None: 0.1%

**Key Findings:** While the year 2016 marked a historic and peaceful transition of government in Burma, outright impunity for abuses committed by the military and some non-state actors and the depth of the humanitarian crisis for displaced persons continue to drive the ill treatment of religious and ethnic groups.

For a short while—from August 1961 under Prime Minister U Nu until the March 1962 military coup launched by General Ne Win—Buddhism was the official state religion in Burma. Today, the legacy of elevating Buddhism remains: successive military regimes falsely portrayed Christianity as a “foreign” religion, and longstanding policies and practices that discriminate against religious and ethnic minorities are still in effect.

Decades after the military's ruthless divide-and-rule tactics fomented deep social cleavages, peace and cohesion across Burma remain elusive under the new National League for Democracy (NLD) government as it faces numerous religious and ethnic challenges, several of which it inherited from the previous government. Since 2011, increased conflict between Burma's military and ethnic armed groups has resulted in more than 240,000 people being displaced in “camps or camp-like situations in Kachin, Shan and Rakhine” states, according to the United

Nations (UN) Office for the Coordination of Humanitarian Affairs.<sup>6</sup> Some Buddhist nationalists stoke tensions, espouse hatred (mostly against Muslims), and pressure government actors and law enforcement authorities to discriminate against religious and ethnic minorities.

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*“Longstanding policies and practices that discriminate against religious and ethnic minorities are still in effect.”*

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The momentum of nationalist sentiment appeared to diminish when in 2016 the State Sangha Maha Nayaka Committee (Ma Ha Na, the official monk-led association) publicly declared it had never endorsed the nationalist group known as Ma Ba Tha (the Organization for the Protection of Race and Religion) and asserted its own position as the only sangha association (the community of Buddhist clergy and laity) that represents all of Burma's Buddhists. More recently, in March 2017, Ma Ha Na issued a one-year ban on public sermons and speeches by U Wirathu, a firebrand monk long affiliated with Ma Ba Tha. This occurred during the same month when two Ma Ba Tha adherents filed separate lawsuits against journalist Swe Win after taking offense to his characterization of Wirathu's praise of the January 2017 assassination of prominent lawyer and NLD advisor U Ko Ni, who was Muslim.

In May 2017, Ma Ha Na ordered Ma Ba Tha to cease using its name and take down all signs and posters bearing its name by July 15 2017. Ma Ba Tha has since vowed to continue in other forms by establishing a new political party, the 135 United Patriots Party, and a new philanthropic association. Meanwhile, the prejudices, intolerance, and bigotry driving Ma Ba Tha and similar movements still influence the government and society.

Recurring and episodic anti-Muslim sentiment and violence against Muslims is evident throughout Burma's history, but in recent years has turned particularly virulent. In 2012, two waves of sectarian violence struck Rakhine State where the majority of the country's Rohingya Muslim population resides.

Ethnic Rohingya were stripped of their citizenship in 1982 and are not recognized among Burma's 135 ethnic groups. They are accused of being interlopers in their own country and of being illegal immigrants largely from Bangladesh, and are commonly referred to as "Bengali." Severe poverty across Rakhine State has exacerbated the situation for all who live there.

Since 2012, several flare-ups occurred in other parts of the country, including 2013 violence in Meiktila when armed mobs, including some Buddhist monks, burned more than 1,500 Muslim homes, damaged or destroyed three Islamic schools and more than a dozen mosques, displaced thousands of people, and killed more than 100. In the most widespread, violent, and deadly incident since 2012, on October 9, 2016, a large group of insurgents believed to be Rohingya Muslims carried out a series of attacks in and around Maungdaw Township in northern Rakhine State, targeting Border Guard Police and other law enforcement facilities and resulting in the deaths of nine police officers. In response, Burma's military and law enforcement instituted a sweeping clearance operation that cut off humanitarian aid and restricted independent media access.

According to a February 2017 [report](#) by the Office of the UN High Commissioner for Human Rights (OHCHR), approximately 66,000 Rohingya fled to Bangladesh between October 9 and early 2017. Since the report's release, the number has reportedly reached more than 70,000. (Several thousand also were internally displaced, including some ethnic Rakhine.) Rohingya victims and witnesses interviewed by OHCHR for the report described extrajudicial killings; death by shooting, stabbing, burning, and beating; killing of children; enforced disappearances; rape and other sexual violence; arbitrary detention and arrests; looting and destruction of property, including by arson; and enhanced restrictions on religious freedom. The report concluded that crimes against humanity likely had been committed. In May 2017, the UN appointed a three-person team to perform a fact-finding mission to investigate the reports of human rights abuses in Rakhine State. Burma's government rejected the mission when it was adopted by the UN Human Rights Council as part of its March 2017 resolution about human rights in Burma. In June 2017, Burma's government announced it would not grant visas to the UN team.

The abuses in Rakhine State have occurred at a time of heightened Buddhist-Muslim tensions

nationwide. In April 2017, local officials in Thaketa Township, Rangoon, closed two Islamic schools following pressure from a mob of nationalist Buddhists. Less than two weeks later, nationalist Buddhists prompted police to investigate a Rangoon neighborhood to search for Rohingya Muslims alleged to be living there illegally. After the police raid turned up no illegal residents, a mob of nationalist Buddhists who had inserted themselves into the investigation became aggressive, and the ensuing physical violence between dozens of Buddhists and Muslims left two injured and prompted police to fire warning shots. Police detained several of the nationalist Buddhists for their role in instigating the violence against Muslims. Also in May 2017, police charged three men for failing to obtain permission to pray in public after they led a Ramadan prayer service outside one of the closed Islamic schools in Thaketa Township. (For further information about abuses against Rohingya Muslims, refer to USCIRF's report, [Suspended in Time: The Ongoing Persecution of Rohingya Muslims in Burma](#).)

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*"The abuses in Rakhine State have occurred at a time of heightened Buddhist-Muslim tensions nationwide."*

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Government and societal actors subject other religious and ethnic minorities to discrimination and violence. In a December 2016 report chronicling religious freedom violations against marginalized Christian Chin, Naga, and Kachin, a researcher contracted by USCIRF documented discriminatory restrictions on land ownership, intimidation and violence against Christians, the forced relocation and destruction of Christian cemeteries, violent attacks on places of worship, and an ongoing campaign of coerced conversion to Buddhism. For example, the report cites a March 2016 incident in which a Buddhist man broke into the house of a Christian missionary from the Chin Baptist Convention, physically assaulting him and destroying property. The incident took place after extremist monks from the nationalist 969 Movement tried to force the missionary out of a village in Pauk Township, Magwe Region.

Burma's longstanding armed ethnic conflicts, while not religious in nature, have deeply impacted Christian and other faith communities in several

ethnic areas, including the Tatmadaw's (Burma's military) occupation of churches and homes and restriction of civilian access to food, shelter, health care, and other basic necessities. Religious organizations, such as the Kachin Baptist Convention and others, continue to assist the displaced. In December 2016, Dumdaw Nawng Lat and Lang Jaw Gam Seng, two ethnic Kachin Baptist leaders, disappeared in northern Shan State after assisting local journalists following a military airstrike on St. Francis Xavier Catholic Church in Mong Ko. Weeks later, the military confirmed it had detained both men, and in January 2017, the police charged them under the Unlawful Associations Act for allegedly supporting the Kachin Independence Army. (For further information about abuses against Christians, refer to USCIRF's report, [\*Hidden Plight: Christian Minorities in Burma.\*](#))

The previous government under the Union Solidarity and Development Party adopted four "race and religion laws." Each of the measures—regulating religious conversion, marriage, and births—discriminate against non-Buddhists, particularly Muslims, and diminish women's rights. The laws have been widely condemned within Burma by civil society organizations and women's groups and the international community.



## Cambodia

**Full Name:** Kingdom of Cambodia

**Government:** Parliamentary Constitutional Monarchy

**Population:** 15,957,223

**Government-Recognized Religions/Faiths:** Buddhism (official state religion); other religious groups that register

**Religious Demography:**

- Buddhist: 96.9%
- Muslim: 1.9%
- Christian: 0.4%
- Other: 0.8%

**Key Findings:** Cambodia has few internal challenges with freedom of religion or belief, but could do more to uphold its human rights commitments, particularly under the Refugee Convention.

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Contemporary Cambodia, led by a monarch and ruled by the National Assembly, arose from the reconstruction following the reign of the Khmer Rouge, the brutal Marxist-communist regime that took power through a five-year civil war. Under dictator Pol Pot, the Khmer Rouge abolished money, private property, and religion, killing nearly a quarter of the country's population through execution, disease, and starvation. The regime particularly targeted certain ethnic and religious minorities, including ethnic Vietnamese, ethnic Chinese, and the largely Muslim Cham people. The hybrid Khmer Rouge tribunal continues to examine charges of genocide conducted against the Cham.

Today, Cambodia's population is more than 96 percent Theravada Buddhist and approximately two percent Muslim, along with small numbers of Baha'is, Jews, Cao Dai, and Christians. The country's Muslims are largely Shafi'i Sunnis, but also include smaller numbers of Salafis, Ahmadis, and the indigenous Iman-San. The Cambodian constitution enshrines equality before the law for citizens regardless of categories including race, sex, religious belief, and national origin. Likewise, the constitution guarantees freedom of expression and freedom of belief, although both include caveats limiting these freedoms based on public order and national security. In addition,

Buddhism is identified as the religion of the state; the national motto is "Nation, Religion, King"; and the constitution provides for state development of Pali schools and Buddhist institutes. All religious groups, including Buddhist organizations, are required by law to register with the Ministry of Cults and Religions, providing the government with information including funding sources and biographies of leaders. Registration also requires agreeing to refrain from insulting other religious groups, creating disputes, or undermining national security.

The ethnic Cham people, who practice an indigenous form of syncretic Islam and cluster around the Mekong River, Tonle Sap Lake, and coastal Kampot Province, are today much better integrated into wider society but continue to face challenges in access to education and economic opportunities. They are viewed by some members of other communities as "black magic" practitioners, resulting in intermittent mob attacks the local police often lack capacity to prevent. The government has taken steps to address these inequalities and societal tensions, most notably through a set of June 2015 decrees. In the first decree, the Ministry of Education announced its intent to hire 1,500 Cham teachers, while the second allowed for Cham Muslims to wear religious dress in official pho-

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*"Cambodia has come under international criticism for its response to Montagnard asylum seekers crossing from Vietnam."*

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tos. However, in light of alleged connections between Cambodian Muslims and Islamist extremist violence, the Cambodian state closely monitors funding of Islamic schools and organizations, especially those associated with more conservative groups like the Gulf-affiliated Salafis or the Tablighi Jamaat movement, driven by leadership in South Asia and Malaysia.

Cambodia has come under international criticism for its response to Montagnard asylum seekers crossing from Vietnam. In its home country, the largely Protestant ethnic group is restricted by the government from practicing its religion, many members experience poverty as a result of targeted

land grabbing, and pastors are harassed or punished. As a state party to the UN Refugee Convention, the Cambodian government has committed to the principle of non-refoulement for refugees facing serious threats to their life or freedom in their home country. However, according to the UN High Commissioner for Refugees (UNHCR), the Cambodian government has returned at least 100 Montagnard asylum seekers to Vietnam since July 2015 without determining their refugee status. In April 2015, the government sent some 1,000 soldiers to the Cambodian-Vietnamese border to prevent other Montagnards from crossing into the country. A government spokesman stated that accepting refugees for resettlement in Cambodia would be unconstitutional because the constitution stipulates national neutrality. Until January 2016, very few Montagnards were allowed to register claims for asylum; since then, the Cambodian government claims to have assessed all claims filed, but rejected almost all cases, leading some Montagnard asylum seekers to flee to Thailand in fear of repatriation.

In September 2014, the Australian government concluded a refugee resettlement agreement with the Cambodian government, sparking a related controversy. Although not all the monetary details are known, reports suggested the agreement included AUD\$40 million in additional development aid and AUD\$15 million (more than USD\$30 million and more than USD\$11 million, respectively) for resettlement costs in exchange for Cambodia's resettling refugees previously housed in the detention centers of Nauru. News of this arrangement was met with a strong negative reaction among the asylum seekers in question. The Australian government allegedly circulated leaflets in Nauru camps describing Cambodia as a stable, economically thriving hub with "all the freedoms of a democratic society, including freedom of religion and freedom of speech." Thus far, only six individuals have agreed to resettlement in Cambodia. Of these six, four (one Rohingya Muslim from Burma and three Iranians) have since chosen repatriation despite the risk of persecution in their home countries.

Like other civil society actors, religious organizations face an increasingly repressive environment for public engagement in Cambodia. Cambodia's 2009 Criminal Code bans defamation, defined as any allegation made in bad faith that "tends to injure" the honor of a person or institution. Defamation charges have been used broadly against opposition leaders,

inhibiting freedom of expression. The 2015 Law on Associations and Non-Governmental Organizations (LANGO) gives the Ministry of Interior discretion over group registration and public gatherings. This authority includes the option to refuse a group based on maintaining peace, stability, public order, national unity, culture, and traditions of Cambodian society. Registered organizations are required to abide by broadly worded "political neutrality." Buddhist monks in particular face difficulties in registering to vote and receiving voter identification cards. Likewise, monks involved in land rights activism have been detained, banned from temples, and condemned by senior members of state-affiliated Buddhist institutions. A May 2016 assault on opposition lawmakers and the July 2016 assassination of an outspoken political commentator heightened the overall climate of fear impeding free expression in Cambodia.



## Indonesia

**Full Name:** Republic of Indonesia

**Government:** Presidential Republic

**Population:** 258,316,051

**Government-Recognized Religions/Faiths:** Islam, Catholicism, Protestantism, Buddhism, Hinduism, Confucianism

### **Religious Demography:**

- Muslim: 87.2%
- Christian: 7.0%
- Roman Catholic: 2.9%
- Hindu: 1.7%
- Other: 0.9% (includes Buddhist and Confucian)

**Key Findings:** The Indonesian government often intervenes when religious freedom abuses arise, particularly if they involve violence, but non-Muslims and non-Sunni Muslims endure ongoing difficulties obtaining official permission to build houses of worship, experience vandalism at houses of worship, and are subject to discrimination as well as sometimes violent protests that interfere with their ability to practice their faith.

Indonesia is the world's most populous Muslim-majority country, and the majority of the country's Muslims are Sunni, although up to three million are Shi'a and up to 400,000 Ahmadis. In some parts of the country, Christians or Hindus comprise the majority, which means that even though Muslims are the majority overall, in certain areas they are in the demographic minority. Smaller segments of the population practice unrecognized faiths, such as Baha'ism, Sikhism, Judaism, Falun Gong, and traditional belief systems. The state ideology or philosophy is known as Pancasila (or the five principles of monotheism, civilized humanity, national unity, deliberative democracy, and social justice), and it is deeply entwined with the country's history and governing principles.

Individuals of many faiths—even beyond the six officially recognized religions—have the ability to practice, worship, and teach freely, although this varies from province to province across Indonesia's vast archipelago. Some religiously diverse neighborhoods have long traditions of interfaith interaction and cooperation, and the government is believed to

be working on legislation intended to strengthen religious freedom, although the contents are unknown. Even so, throughout Indonesia's history, less tolerant attitudes have been present and continue today in some parts of the country. The Indonesian government at times intervenes when abuses arise, particularly if they involve violence. Yet by many accounts, violations of the freedom of religion or belief continue to rise and/or increase in intensity, and experts believe many incidents go unreported. Non-Muslims and non-Sunni Muslims endure ongoing difficulties obtaining official permission to build houses of worship, experience vandalism at existing houses of worship, and are subject to discrimination as well as sometimes violent protests that interfere with their ability to practice their faith.

Some Indonesians are concerned by what they perceive is the "Arabization" or "creeping Islamization" of the country's more pluralistic form of Islam. Hardline groups such as the Islamic Defenders Front (FPI) and the country's top Muslim clerical body, the Indonesian Council of Ulema (MUI), have long held their own views of the proper ways to practice Islam. This perspective shuns non-Sunni Muslims, such as Shi'a Muslims and Ahmadis. Hardline groups often instigate or inspire discrimination and violence against religious minorities. In May 2017, the Indonesian government announced its intent to disband hardline Islamist group Hizb ut-Tahrir, a global network seeking to establish a caliphate ruled by Islamic law. Government officials declared the group inconsistent with Pancasila.

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*"Violations of the freedom of religion or belief continue to rise and/or increase in intensity."*

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Local authorities and hardliners often rely on the 2006 Joint Regulation on Houses of Worship to deny or restrict parishioners' access to houses of worship. Under the 2006 regulation, houses of worship are required to obtain a list of 90 congregation members; signatures from 60 local households of a different faith; recommendations from the local religious

affairs office and local Religious Harmony Forum, Forum Kerukunan Umat Beragama (FKUB); and approval from the sub-district head. The regulation provides local governments the latitude to deny permits to smaller congregations and the authority to close or tear down houses of worship built prior to 2006. Hardliners, typically those belonging to the majority faith in a particular area, cite alleged faulty or missing permits or other regulation-related paperwork as justification to protest houses of worship or to pressure local officials to deny or revoke permissions or close the structures.

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*“The government’s 2008 Joint Ministerial Decree bans Ahmadis from spreading their faith.”*

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At times, mob violence leads to significant property damage and displacement of affected religious communities, such as in 2015 at Christian churches in Aceh Singkil District in Aceh and at a Muslim mosque in Tolikara, Papua. In July 2016, a mob attacked and burned down several Buddhist temples and other property in North Sumatra. In recent years, closures of and threats and attacks against Buddhist sites have occurred in other parts of the country. In November 2016, a single attacker set off an explosion at the Protestant Oikumene Church in Samarinda, East Kalimantan Province, killing a two-year-old girl and injuring three other children. Police ultimately arrested seven men in connection with the attack, all suspected of having links to or aspirations of joining the Islamic State of Iraq and Syria (ISIS).

The government’s 2008 Joint Ministerial Decree bans Ahmadis from spreading their faith—a crime punishable by up to five years in prison. Additionally, the MUI issued a *fatwa* declaring the Ahmadiyya faith to be deviant and heretical. Since then, some religious leaders and entire provinces, through the force of law, have expanded upon MUI’s *fatwa* by restricting Ahmadis even further, banning all Ahmadi activities. As a result, authorities have closed approximately 100 Ahmadi mosques and failed to properly investigate the destruction of several others. Throughout 2016, Ahmadis in South Jakarta were forced to pray outside the An Nur Mosque after the local government sealed the building in July 2015.

Some Shi’a Muslims practice Sunni Islam in public to avoid being discriminated against or singled out as different. Indonesia’s Baha’i community still experiences government discrimination. In 2016, members of the Baha’i faith continued to report frustration at not being able to obtain state recognition of civil marriages.

During 2016, the government continued its attack on banned faith sect Fajar Nusantara Movement, also known as Gafatar, and some former members of the group reported various forms of discrimination. In February 2016, the MUI issued a *fatwa* pronouncing the group to be heretical. In March 2016, the government issued a joint decree to prevent Gafatar members from conducting activities and spreading their beliefs. Then, in May 2016 the government arrested three Gafatar founders and charged them with blasphemy and treason. In March 2017, the three men were cleared of treason but found guilty of blasphemy: Mahful Muis Tumanurung and Ahmad Musadeq received five-year prison sentences, and Andi Cahya received three years.

In addition to the trials against Gafatar members mentioned above, blasphemy charges were brought against then Jakarta Governor Basuki Tjahaja Purnama, also known as “Ahok,” for allegedly insulting Islam and the Qur’an. The case originated in a September 2016 speech in which Ahok encouraged voters not to be dissuaded from voting for him in the February 2017 gubernatorial election because the Qur’an tells Muslims not to align with Christians or Jews. Ahok, who is a Christian of Chinese descent, later apologized for his remarks. Muslim hardliners, such as the MUI and FPI, called on authorities to arrest or imprison Ahok, or even sentence him to death. Many upset by the speech viewed a video recording online that had edited Ahok’s remarks to suggest he insulted the Qur’an and Islam rather than his political opponents. Ahok’s critics and supporters held several protests and rallies, drawing crowds of tens of thousands in largely peaceful demonstrations. On May 9, 2017, a court found Ahok guilty of blasphemy and sentenced him to two years in prison. Ahok subsequently dropped his appeal, as did prosecutors.

## Laos

**Full Name:** Lao People's Democratic Republic

**Government:** Communist State

**Population:** 7,019,073

**Government-Recognized Religions/Faiths:**

Buddhism, Christianity, Islam, Baha'i faith

**Religious Demography:**

- Buddhist: 66.8%
- Christian: 1.5%
- Other: 31%
- Unspecified: 0.7%

**Key Findings:** In some areas of Laos, local authorities harass and discriminate against religious and ethnic minorities, and pervasive government control and onerous regulations impede freedom of religion or belief.

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Of the approximately seven million people in the landlocked country of Laos, at least half of the population, or as many as 66 percent, are Buddhist. The Lao constitution grants “the right and freedom to believe or not to believe in religions,” but language added in the 2015 amendments adds the clause, “that are not in contradiction with the law.” The Lao government restricts the freedom of expression, assembly, and association; independent media and Internet access; and other rights, including freedom of religion or belief. In some parts of the country, religious freedom conditions are generally free, especially for the majority Buddhist community. But in other areas, local authorities harass and discriminate against religious and ethnic minorities, and pervasive government control and onerous regulations impede freedom of religion or belief. Local officials who inconsistently interpret and implement religious regulations also tend to be highly suspicious of Christians. The Lao government manages religious affairs through two main bodies: the Ministry of Home Affairs, which has authority to grant permissions for activities or to establish new houses of worship, and the Lao Front for National Construction (LFNC), a mass organization of political and social entities that disseminates and explains the government's religion policies.

In August 2016, Prime Minister Thongloun Sisoulith issued a new regulation: Decree 315 on the Management and Protection of Religious Activities. At

the time of this writing, the decree's effect on religious groups remains unclear. Decree 315 replaces Decree 92 on Religious Practice, which has provided the legal basis for regulating and managing religion since 2002. Critics noted Decree 92's onerous approval processes and unclear requirements, which officials at the local, district, and provincial levels often implemented to the disadvantage of religious organizations. Like Decree 92, Decree 315 requires multiple levels of government approval for registering religious organizations, ordaining religious leadership, conducting religious activities, traveling overseas or inviting foreigners to Laos for religious purposes, receiving foreign assistance or donations, and importing and exporting printed and digital materials, among other matters. Approval authority mainly rests with the Ministry of Home Affairs and its related counterparts at the district/municipal and provincial levels. The decree indicates that the ministry will establish forthcoming regulations to approve the construction, renovation, and restoration of houses of worship and other religious structures. Also, the decree warns religious organizations and individuals not to disturb “social order” or disrupt “national harmony,” which is similar to vague language used by other countries to restrict rights.

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*“The Lao government restricts the freedom of expression, assembly, and association.”*

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It appears that under the new decree, government officials and the LFNC will retain significant latitude to control many aspects of religious activity, although—as under the previous regulation—this likely will vary by district and province. Religious communities tend to have more space to practice in areas where local officials are open to having good relations. In these instances, some religious groups are allowed to conduct charitable work, and they coordinate to attend each other's religious ceremonies and celebrations. However, there are other areas where local LFNC or government officials broadly interpret regulations by directing the

content of sermons, controlling religious activities, or confiscating religious materials. Also, as written, the decree appears to apply to Buddhist monks and religious structures, and if strictly interpreted and implemented, may represent a shift in previous policy that effectively exempted Buddhists from procedures governing non-Buddhist faiths.

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*“Religious followers and ethnic minorities often self-censor their words and actions to avoid detection.”*

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Given Laos’s closed, communist nature, reports about abuses and violations of religious freedom often are difficult to obtain and verify. Religious followers and ethnic minorities often self-censor their words and actions to avoid detection; self-censorship similarly applies to domestic civil society organizations. Notwithstanding limited reports, government and societal actors continue to discriminate against and abuse religious and ethnic minorities. The government is particularly suspicious of some ethnicities, like the Hmong, and targets Christian individuals and groups, although ill treatment is worse in some provinces—like Savannakhet, where local authorities restrict religious practice—than others. The government recognizes three Christian groups—the Lao Evangelical Church, the Catholic Church, and the Seventh-day Adventist Church—and pressures religious organizations and other denominations not part of these three groups to join a recognized church. Some Christians, fearful of the government, practice their faith in secret.

Authorities arrest or otherwise detain Christians, sometimes accusing them of spreading their faith. They also surveil, intimidate, and threaten individuals suspected of proselytizing. According to reports, authorities—or in some cases neighbors and family members—attempt to force Christians to renounce their faith, threatening to evict them from their homes or force them to pay fines if they refuse to abandon their faith. At times, Christians face discrimination regarding access to medical care, education, and government employment. Local authorities often require Christians to obtain permission in advance of any religious-related travel within and across provinces.

Due to government restrictions, Lao civil society

operates in a highly limited and restrictive environment, and civil society and independent media face continued harassment and arbitrary arrest. The suspicious December 2012 disappearance of civil society leader Sombath Somphone is emblematic of a wider problem. More recently, a Lao court sentenced three individuals to lengthy prison terms for posting antigovernment messages on Facebook: Lodkham Thammavong, Soukane Chaithad, and Somphone Phimmasone received 12-, 18-, and 20-year sentences, respectively. In 2016, Laos chaired ASEAN, and due in part to the country’s restrictions on civil society, a gathering of civil society organizations that usually meets on the sidelines of the annual summit was held in Timor-Leste rather than Laos.

## Malaysia

**Government:** Federal Constitutional Monarchy

**Population:** 30,949,962

**Government-Recognized Religions/Faiths:** Islam (official state religion); other religious groups may be granted registration, excluding those deemed “deviant”

### Religious Demography:

- Muslim: 61.3%
- Buddhist: 19.8%
- Christian: 9.2%
- Hindu: 6.3%
- Confucian, Tao, other traditional Chinese religions: 1.3%
- Other: 0.4%

**Key Findings:** Malaysia’s entrenched system of government advantages the ruling party and the Sunni Muslim Malay majority at the expense of religious and ethnic minorities, often through government-directed crackdowns on religious activity, expression, or dissent.

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More than 61 percent of Malaysia’s nearly 31 million people are Muslim. In addition to Buddhism, Christianity, Hinduism, and Confucianism/Taoism, smaller segments follow another or an unspecified religion, such as Sikhism, the Baha’i faith, and animism, or no religion at all. The Malaysian government bans religious groups deemed “deviant,” such as the Shi’a Muslim, Ahmadiyya, Baha’i, and Al-Arqam groups. The government or state-level Shari’ah courts can force individuals considered to have strayed from Sunni Islam—including those from “deviant” sects or converts from Islam—into detention-like camps known as “rehabilitation” centers and/or prosecute them for apostasy, which is punishable by prison terms or fines.

Political forces regularly exploit religion and ethnicity, appealing to an increasingly conservative and nationalist interpretation of Islam. This trend—blurring the lines of religion and ethnicity—has intensified during the last decade, becoming a popular rhetorical and campaign tool across the political and ideological spectrum.

Malaysians generally are free to worship, but minorities often experience discrimination related

to their faith, and some have difficulties accessing religious materials, such as Bibles, and obtaining government permission to build houses of worship. The constitution defines ethnic Malays—the majority ethnic group—as Muslim, and in practice the government only supports Sunni Islam. Through the federal Department of Islamic Development Malaysia (JAKIM), the government funds most Sunni mosques and imams and provides talking points for sermons, which regularly vilify religious minorities, such as Shi’a Muslims. Also, both the government and the United Malays National Organization (UMNO), the dominant political party, promote Sunni Islam by sending individuals to Saudi Arabia for religious training. The dual system of civil and Shari’ah courts, as well as the layers of federal versus state laws, sultan-issued decrees, and *fatwas*, erode the notions of a secular state and constitutional supremacy. There are reports that proselytization of Islam widely occurs in public schools, even Catholic schools. Muslims are allowed to proselytize to non-Muslims, but not vice versa.

Religious and ethnic minorities have expressed growing concerns about the government’s pro-Malay Muslim policies and subsequent regulations that limit their right to practice their beliefs freely. These include restrictions on education and employment, as well as the impact of conversion on property, child

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*“The government or state-level Shari’ah courts can force individuals into detention-like camps known as ‘rehabilitation’ centers.”*

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custody, and burial rights. These fears are heightened by reports of religious leaders being harassed or even kidnapped. For instance, in February 2017 masked assailants abducted evangelical Pastor Raymond Koh in Petaling Jaya. Religious authorities previously had harassed Pastor Koh after suspecting him of converting Muslims to Christianity; as of this writing, his whereabouts are still unknown. In May 2017, police announced they arrested a suspect in Pastor Koh’s disappearance but offered no other news about the case or the pastor’s whereabouts. In recent months,



another pastor and his wife, along with a Shi'a Muslim, are all believed to have similarly disappeared.

Non-Muslims often face ongoing hurdles using the word "Allah" because some Muslims believe that this and other words should be exclusively used by Muslims. The Catholic Church lost the legal battle to use the word "Allah" as a translation for "God" in its Malay-language newspaper. Non-Muslims maintain that the Arabic word for God is the same word used in the Malay language and in the indigenous Iban language.

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*"Religious and ethnic minorities have expressed growing concerns about the government's pro-Malay Muslim policies."*

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In 2016 and again in 2017, Abdul Hadi Awang, leader of the Pan-Malaysian Islamic Party (PAS), introduced a private member's bill to amend the Shari'ah Court (Criminal Jurisdiction) Act 1965 to implement *hudood* (the Islamic penal code, commonly spelled *hudud* in Malaysia) punishments and expand Shari'ah courts' jurisdiction. Crimes punishable under *hudood* include apostasy, slander, adultery, and alcohol consumption; the punishments include amputation, stoning, and flogging. Those opposed to the measure have two key concerns: that it would apply *hudood* punishments to non-Muslims, and that it would diminish the power of civil courts. Supporters contend the measure is about strengthening Shari'ah courts, not about implementing *hudood*.

In March 2016, the Kuching High Court granted Christian-born Roneey Rebit the legal right to identify as a Christian. When Roneey was a child, his parents converted to Islam and he was deemed converted under Malaysian law; once he became an adult, Roneey chose to follow the religion of his birth, Christianity. Until the High Court's decision, the Malaysian government had argued that only Shari'ah courts could adjudicate matters involving Islam, which made it extremely difficult for Muslims to convert or to correct official government paperwork to reflect a person's chosen faith. Moreover, the judge's decision affirmed that freedom of religion or belief is a constitutional right.

In the case of a Hindu woman, M. Indira Gandhi, her ex-husband converted their three children to

Islam without her knowledge. Although she was granted full custody of the children, her ex-husband disappeared with their youngest child approximately eight years ago, and Indira has not seen the child since, despite an earlier court order that her ex-husband return the child. In April 2016, a court order authorized her ex-husband's arrest, and in May the Federal Court granted Indira the right to challenge her children's unilateral conversions. In November 2016, the Federal Court held a hearing in the case, but by the end of May 2017 had issued no decisions. Authorities have failed to arrest her ex-husband, nor has he made any court appearances.

Malaysian authorities regularly employ the vaguely worded Sedition Act as a means to suppress political and religious dissent and to increasingly target individuals. In August 2016, police arrested Malaysian rapper Wee Meng Chee, whose professional name is Namewee, for allegedly insulting Islam in one of his music videos. After several days in police detention, he was released on bail, but could still face up to two years in jail and a fine. The Malaysian government also suppresses individuals who seek to hold the government accountable, including through the use of national security measures. On August 1, 2016, Malaysia's National Security Council Act went into effect, granting broad new powers to the prime minister to declare a state of emergency and authorize searches and arrests without warrants. Human rights advocates criticized the act for eroding basic rights and liberties, and warned of government misuse.

## Philippines

**Full Name:** Republic of the Philippines

**Government:** Presidential Republic

**Population:** 102,624,209

**Government-Recognized Religions/Faiths:** All religious groups may apply to register to establish tax-exempt status

**Religious Demography:**

- Catholic: 82.9%
- Muslim: 5.0%
- Evangelical: 2.8%
- Iglesia ni Cristo: 2.3%
- Other Christian: 4.5%
- Other: 1.8%
- Unspecified: 0.6%
- None: 0.1%

**Key Findings:** With the strong influence of the Catholic Church, as well as the needs of other religious groups, the Philippines grapples with the separation of church and state, and also with the violence that continues to dominate relations with Muslims on the island of Mindanao.

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The Philippines, currently headed by President Rodrigo Duterte, is governed by a constitution enacted in 1987 after the People Power Revolution overthrew the regime of then President Ferdinand Marcos. In response to the excesses of the Marcos regime, the new constitution enshrined greater separation between the executive and legislative branches of government. The constitution also prevents the establishment of a state religion, protects the free exercise and enjoyment of religion, and bans the use of religious tests for access to civil and political rights. Constitutional articles allow for religious instruction of students at public schools upon written request by parents. However, such instruction is not mandatory and cannot incur cost to the state. Religious organizations may register with the government in order to receive tax-exempt status, but receive no non-tax penalties for failing to register.

The Philippines' Penal Code contains articles banning crimes against religious worship. Article 133 of the Penal Code criminalizes offending religious feelings, defined as performance of acts "notoriously offensive to the feelings of the faithful" in a religious setting or

during a religious ceremony. Later jurisprudence also stipulated that the act must be performed with intent to hurt the feelings of the faithful. This offense went to trial in 2010 when a protestor entered Manila's cathedral during a service, held up a sign reading "Damaso," referencing an infamous fictional friar, and shouted at the gathered clergy to get out of politics. The accused was convicted and sentenced to a maximum of one year, one month, and 11 days of prison, a sentence upheld by the Court of Appeals and currently pending before the Supreme Court. Following the initial conviction, Senator Pia Cayetano unsuccessfully filed a bill to repeal Article 133, arguing that the language infringed upon freedom of expression and that religious freedom was already protected under the Civil Code among other constitutional rights.

In a separate ruling issued in 1996, however, Philippine courts ruled against restriction of public viewing of media criticizing religious doctrines. The Iglesia ni Cristo, an international religious organization that originated in the Philippines in 1914, today includes more than two million adherents in-country. The Iglesia considers itself the one true church, and therefore discounts other Christian bodies. The state-run Movie and Television Review and Classification Board rated the Iglesia's programming, which criticized Catholic dogma and satirized the Virgin Mary, as inappropriate under Article 201 of the Revised Penal Code, which criminalizes production of media that offends any race or religion. Upon review, however, the courts ruled that under the constitution, it is not for the state "to favor any religion by protecting it against an attack by another religion."

Current tensions between the Philippine state and the powerful Roman Catholic Church are long-standing but were exacerbated when then President Marcos imposed martial law. More than 80 percent of Filipinos identify as Catholic, granting the Church a special role in society and the state. However, as then President Marcos detained tens of thousands of suspected opposition figures, his reach spread to arrests of socially active clergy and laity, as well as raids on religious sites suspected of harboring communists. Mutual suspicion continued under subsequent regimes and now continues under President Duterte, who framed himself as an outsider who would clean up corruption and also characterized the

2016 election as a referendum between him and the Catholic Church. Social issues related to reproductive health and the death penalty and church opposition to the large number of extrajudicial killings conducted as part of President Duterte’s war on drugs comprise the current major sources of friction.

The country’s indigenous Muslims are known as Moros, and the majority of the Muslim Filipino population is concentrated in impoverished southern provinces on the island of Mindanao. While it was then President Marcos who issued a presidential decree recognizing and codifying Shari’ah as the legal system for Muslim Filipinos’ personal law, his repression of opposition and dissent included dissolving most of the leading Islamic organizations at the time. More extreme, armed Islamist groups arose into this void, like the Moro National Liberation Front (MNLF). In 1984, the Moro Islamic Liberation Front (MILF) broke off from the MNLF, insisting on a more purely Islamic focus, and began carrying out attacks, including the bombing of a Catholic wedding in 1986. Throughout the 1990s, the MILF controlled increasing amounts of territory until an official truce with the Philippine government. Intermittent violence continued, though the two parties made several attempts at a peace agreement. For example, in 2012, the government and MILF signed a peace agreement known as the Framework Agreement on the Bangsamoro. Thereafter, discussions continued about issues such as revenue generation and wealth sharing, as well as power sharing, leading to the 2014 Comprehensive Agreement on the Bangsamoro and the Bangsamoro Basic Law (BBL), in which the government and MILF proposed an autonomous Muslim region led by a distinct Bangsamoro government. As of this writing, the BBL has not been adopted. At a May 2017 meeting in Jeddah, Saudi Arabia, MILF and MNLF leaders declined to accept a modified version of the BBL. Outstanding issues of concern include the expansion of the Shari’ah court system and affirmation of the right to the freedom of religion or belief.

In 1991, the hardline Islamist Abu Sayyaf Group (ASG) split from the MNLF, seeking not only regional autonomy but also independence as an Islamic state. Since then, the ASG has carried out repeated attacks on both Filipinos—including Christians—and foreigners. After the 1998 death of the ASG’s chief founder Abdurajak Abubakar Janjalani, who reportedly received support from al-Qaeda founder Osama bin Laden, the organization splintered and

turned primarily to profit-seeking kidnappings for ransom. Current estimates put the ASG’s membership between 200 and 400 people. In 2014, ASG leader Isnilon Hapilon publicly pledged allegiance to ISIS, although the degree of reciprocal support remains unclear. In May 2017, in response to a government operation intended to capture Hapilon, the ASG called upon another ISIS-affiliated organization, the Maute group, for assistance. During the spreading violence in the city of Marawi, which reportedly involved foreign fighters and to date has resulted in the deaths of hundreds of suspected terrorists, civilians, and government forces, the Maute group kidnapped a Catholic priest and several parishioners during prayers. (For more information on regional trends in terrorism, see the “Common and Crosscutting Challenges” section.)

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*“President Duterte characterized the 2016 election as a referendum between him and the Catholic Church.”*

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Legally defining this violence as “rebellion,” on May 23, 2017, President Duterte declared martial law on the island of Mindanao. Under the constitutional framework, the president is required to submit a report to Congress within 48 hours of declaring martial law, which can continue for a standard length of 60 days. While the constitution now includes provisions protecting human rights and the court system under martial law, it does allow for the suspension of the writ of habeas corpus. According to the Philippine National Police policy guidelines, officers shall not carry out warrantless arrests without probable cause, must respect the rights of the accused under investigation, and must obey the anti-torture law. However, in light of the high rate of extrajudicial killings under President Duterte, concerns remain about the implementation of martial law and its possible effects on human rights, including freedom of expression and religious freedom. Philippine civil society based in Mindanao, including Islamic organizations, has urged the president to address the issue of violent extremism without reenacting historical injustices. As of July 2017, the confrontation in Marawi between the Philippines military and the ASG/Maute group continues.



## Singapore

**Full Name:** Republic of Singapore

**Government:** Parliamentary Republic

**Population:** 5,781,728

**Government-Recognized Religions/Faiths:**

Religious groups that are granted registration, excluding those banned for public order reasons; the Presidential Council for Religious Harmony must include representatives of the major religions in Singapore, commonly defined as Christianity, Islam, Hinduism, and Buddhism/Taoism

**Religious Demography:**

- Buddhist: 33.9%
- Muslim: 14.3%
- Taoist: 11.3%
- Catholic: 7.1%
- Hindu: 5.2%
- Other Christian: 11.0%
- Other: 0.7%
- None: 16.4%

**Key Findings:** Singapore's history of intercommunal violence informs its current policies, which prioritize harmony between the country's major religions, sometimes at a cost to freedom of expression and the rights of smaller religious communities.

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The island city-state of Singapore left Malaysia after tensions between Malays and ethnic Chinese erupted into the race riots of 1964. The memory of this violence informs Singapore's policies on racial and religious harmony, including a constitution that codifies the right to profess, practice, and propagate religion except as contrary to "public order, public health, or morality." The constitution also bans discrimination on the grounds "only of religion, race, descent or place of birth," but recognizes the special role of ethnic Malays as the "indigenous people" of Singapore and therefore provides for state administration of Islamic affairs. While the Singaporean population has traditionally been of mixed ethnicities and religions, an influx of foreign workers between 2006 and 2010 increased the centrality of policies on diversity. As of 2015, Singapore's population included roughly 30 percent noncitizens. An estimated 74.2 percent are ethnic Chinese (largely Buddhist, Taoist, or Christian),

13.3 percent are ethnic Malay (almost all Muslim), 9.2 percent are ethnic Indian (largely Hindu, Muslim, or Christian), and 3.3 percent belong to other ethnicities.

Singaporean legislation closely regulates speech and actions intended to provoke hostility between racial and religious groups. The Societies Act of 1966 requires all groups of 10 or more persons to apply for registration in order to own property, hold public meetings, and conduct financial transactions. Registration may be refused or revoked if the group is judged prejudicial to public peace, welfare, or good order, as has been the case for the Jehovah's Witnesses since 1972 and the Unification Church since 1982. The government bans written materials published by these religious groups, as well as those by the Church of Scientology, the Children of God, and the Church of Satan. While the small Ahmadiyya population has not been refused registration, the state-affiliated Islamic Religious Council issued a 1969 *fatwa* declaring the sect's founder a disbeliever who leads others astray. As a result, Ahmadis cannot register their marriages in the Registry of Muslim Marriages, be buried in Muslim graves, or qualify for the national hajj pilgrimage quota.

The Maintenance of Religious Harmony Act, enacted in 1990, allows the government to take out a restraining order against those who attempt to cause hostility between different religious groups or "excite disaffection" against the state. In addition, the Sedition Act and Article 298 of the Penal Code

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*"The government bans written materials published by the Jehovah's Witnesses, Unification Church, Church of Scientology, Children of God, and Church of Satan."*

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criminalize wounding religious feelings and promoting ill-will between religions. More recently, programming codes issued by the Info-Communications Media Development Authority provide guidance on restricted media content, including programs or advertisements that promote religious causes, those that deal with cults or superstitions, and any con-

tent that might offend followers of major religions in Singapore.

Debates internal to Singapore often concern the evolutions of these policies on racial and religious harmony. In 2009, the government formed a Censorship Review Committee to respond to the changing media landscape. The committee stressed the growing importance of contextualizing restricted content, but the government continued blocking a symbolic set of 100 websites, including that of an evangelical Christian group preaching against “false religions.” Malay Muslim political leaders have intermittently called for the *tudung* (veil) to be permitted for nurses and uniformed officers in the armed forces. However, those who raise such topics publicly have been reprimanded for injuring community feelings, rather than working behind the scenes. Among the largely Indian Hindu population, the Thaipusam festival has been the center of debate, as public order regulations ban singing or music during public assemblies. Three drummers arrested during 2015 festivities challenged the regulations as a violation of religious freedom, citing the centrality of music to the ceremonies. While the court dismissed the complaint, the government in 2016 allowed live music at set points of the festival. In 2016, the Singaporean Parliament passed constitutional amendments reserving the office of president for members of any ethnic group that has not held the presidency in the five most recent terms. In the elections set for September 2017, this will stipulate a Malay (likely Muslim) president.

Several recent high-profile cases have tested the boundaries of free expression and religious practice in Singapore. Most notably, Singaporean teenager Amos Yee was arrested and fined after posting content online that celebrated the death of the country’s first prime minister, Lee Kuan Yew, and crudely referenced Muslim and Christian religious figures. The district judge convicted Yee under the Sedition Act of wounding religious feelings, and emphasized the message sent to those who deliberately “impugn the racial and religious harmony of this country.” In March 2017, Yee was granted political asylum in the United States, but as of this writing he remains in U.S. Immigration and Customs Enforcement detention pending government appeal. In April 2017, an imam in Singapore was fined and sent back to his home county of India after being convicted under the Penal Code of committing an act prejudicial to maintaining harmony between religious groups. The imam, who

later issued a public apology, had recited a prayer after his sermon that called for God’s help against Jews and Christians. Police also investigated two other Singaporean residents, one who posted a video of the prayer online and another who posted in support of it.

# Thailand

**Full Name:** Kingdom of Thailand

**Government:** Constitutional Monarchy (interim military-affiliated government since 2014)

**Population:** 68,200,824

**Government-Recognized Religions/Faiths:** Buddhism, Islam, Brahmin-Hinduism, Sikhism, Christianity

**Religious Demography:**

- Buddhist: 93.6%
- Muslim: 4.9%
- Christian: 1.2%
- Other: 0.2%
- None: 0.1%

**Key Findings:** The primacy of Buddhism is most problematic to freedom of religion or belief in the largely Malay Muslim southern provinces, where ongoing Buddhist-Muslim tensions contribute to a growing sense of nationwide religious-based nationalism.

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Thailand stands unique in the region in that it is the only country never colonized. The population of more than 68 million is predominately Buddhist (nearly 94 percent) and ethnically Thai (nearly 96 percent). Much smaller segments of the population are Confucian, Hindu, Taoist, Sikh, Jewish, and animist. Residents of the southernmost provinces are largely Sunni Muslim and ethnic Malay, which is a source of friction with the Thai Buddhist community. The Religious Affairs Department grants registration only to religious organizations belonging or bearing similarity to one of the five recognized faiths.

Since May 2014, when Thailand's military seized power in a coup, the country has been ruled by an unelected government led by an unelected prime minister, General Prayut Chan-ocha. In July 2014, the ruling National Council for Peace and Order under General Prayut promulgated an interim constitution, and arrested more than 1,000 individuals, including some whom the junta sent to military camps for so-called "attitude adjustment."

In 2016, Thailand's revered King Bhumibol Adulyadej died. His son, Maha Vajiralongkorn, took the throne as the new king in December 2016 and assumed new powers granted him by the military-ap-

pointed parliament, including the authority to select a new Buddhist supreme patriarch, a position the Sangha Supreme Council traditionally selects. In April 2017, Vajiralongkorn signed a new constitution, the country's 20th since 1932, based on a draft approved in an August 2016 national referendum. However, observers believe the government made changes to the charter since the public's vote. Regarding freedom of religion or belief, critics noted that the draft constitution contains the strongest language yet promoting Buddhism—and specifically Theravada Buddhism—above other religions, only barely falling short of naming the faith as the official state religion. With the new constitution now in effect, general elections—delayed several times since the coup—are slated to take place in 2018.

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*"The draft constitution contains the strongest language yet promoting Buddhism...only barely falling short of naming the faith as the official state religion."*

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In March 2017, the UN Human Rights Committee reviewed Thailand's human rights record. In its concluding observations,<sup>7</sup> the committee welcomed several recent developments, including Thailand's adoption of the Gender Equality Act (2015) and the Third National Human Rights Plan (2014–2018), among others. The committee also noted areas of concern: provisions in the interim and 20th Constitution inconsistent with the ICCPR; the absence of legislative language criminalizing acts of torture and enforced disappearance; reports of restrictions on freedom of expression and peaceful assembly, as well as lack of protection for minorities and indigenous persons; and increased reports of persons detained for defaming, insulting, or threatening the royal family (known as Article 112 of the Thai Criminal Code, or *lèse majesté*).

In 2017, Thai authorities pursued influential Buddhist monk Phra Dhammachayo to arrest him on various charges, including money laundering and land encroachment. Supporters believe the charges against him are politically motivated in part due to

his and the temple's ties to former Prime Minister Thaksin Shinawatra, ousted in 2006 (his sister, Yingluck Shinawatra, also was forced from office after the Constitutional Court found her guilty of abusing power). In February 2017, security forces surrounded Wat Phra Dhammakaya temple where Phra Dhammachayo was believed to be hiding, but failed to apprehend him after a three-week-long blockade. To justify the raid, authorities used controversial Article 44 of the interim constitution, which grants the prime minister absolute power to protect public peace and security; critics cite the article's disregard for basic civil liberties.

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*"Deep-seated resentment and tensions between Muslim and Buddhist communities have led to recurring violent flares and thousands of deaths."*

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Following the foiled attempts to capture Phra Dhammachayo, the military government has reportedly begun drafting a new law that would diminish the power of the Sangha Supreme Council and assign more of the seats to individuals representing or selected by the government.

Twentieth century separatist uprisings roiled Pattani, Yala, and Narathiwat—Thailand's predominantly Malay Muslim provinces—where deep-seated resentment and tension between the Muslim and Buddhist communities have led to recurring violent flares and thousands of deaths. At times, the Thai government has made overtures to peaceably develop the region, improve overall security, and support Malay Muslim rights. For more than 10 years, successive Thai governments have upheld an emergency decree in the south, contributing to what human rights advocates report is the arbitrary arrest, detention, torture, and general unfair treatment of Malay Muslims by Thai authorities. Yet Malay Muslim insurgents also are complicit in the violence. The ongoing turmoil has affected both Muslims and Buddhists, primarily in the south but in other parts of the country as well, resulting in the destruction of religious schools, deepening anti-Muslim and anti-Buddhist sentiment, and renewed calls by Buddhists for the government to name Buddhism as the official religion.

Bangkok, Thailand's capital, is well-known as a

regional hub for refugees and asylum seekers from all over the world, although they are reportedly treated poorly there. For example, in June 2017 a Pakistani Christian asylum seeker died at Bangkok's police-run Immigration Detention Center. Critics have urged the Thai government to improve conditions at detention centers, end indefinite detention of asylum seekers, and adopt laws recognizing asylum seekers. The Thai government also has closely coordinated with the Chinese government to repatriate high-profile dissidents like Jiang Yefei and Dong Guangping as well as Uighur Muslims seeking refuge from Beijing's repressive policies, including restrictions on freedom of religion or belief. (For more information about refugees and asylum seekers in the region, see the "Common and Crosscutting Challenges" section.)

## Vietnam

**Full Name:** Socialist Republic of Vietnam

**Government:** Communist State

**Population:** 95,261,021

**Government-Recognized Religions/Faiths:** 38 religious organizations from 14 religious traditions: Buddhism, Islam, Baha'i faith, Catholicism, Protestantism, Mormonism, Hoa Hao, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism

**Religious Demography:** (multiple sources including *The World Factbook* and the U.S. Department of State's 2015 *International Religious Freedom Report*)

- Buddhist: more than 50%
- Catholic: 6.6%
- Hoa Hao: 1.5 to 3%
- Cao Dai: 1 to 2% (or as much as 4%)
- Protestant: 1 to 2%
- Muslim: 0.1%

**Key Findings:** Vietnam has made progress to improve religious freedom conditions, but severe violations continue, especially against ethnic minority communities in rural areas of some provinces.

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The majority of Vietnam's more than 95 million people practice or identify with Buddhism. In addition to sizable Catholic, Hoa Hao, Cao Dai, and Protestant populations, smaller numbers are Khmer Krom Buddhist, Muslim (including ethnic Cham Muslims), Hindu, Baha'i, Mormon, and Falun Gong, as well as practitioners of local religions or other forms of traditional worship.

The Vietnamese government has taken some steps to improve religious freedom conditions in the country. Many individuals and religious communities are able to exercise their religion or beliefs freely, openly, and without fear. In general, religious organizations recognized by the government fare better than unrecognized groups. Nevertheless, severe religious freedom violations continue, especially against ethnic minority communities in rural areas of some provinces. The Vietnamese government either directs or allows harassment and discrimination against unregistered, independent religious organizations. There is

a disconnect between the central government's overtures to improve religious freedom conditions and the ongoing actions taken by local officials, public security, and organized thugs to threaten and physically harm religious followers and their houses of worship or other religious property. The Vietnamese government also regularly targets certain individuals and groups because of their faith; ethnicity; advocacy for democracy, human rights, or religious freedom; historic ties to the West; or desire to remain independent of Communist government control. These include the independent Cao Dai; independent Buddhists like the Unified Buddhist Church of Vietnam (UBCV), Hoa Hao, and Khmer Krom; Montagnards; Hmong; Falun Gong; and followers of Duong Van Minh.

In June 2016, public security officials harassed, physically assaulted, and prevented several Hoa Hao Buddhists from participating in celebrations associated with the June 22 anniversary of their faith. Authorities used checkpoints to block access to Quang Minh Pagoda, the only Hoa Hao Buddhist pagoda in the country not under the government's control. Also in June 2016, authorities disrupted a Catholic prayer service held at a parishioner's home in the Muong Khuong district of Lao Cai Province. Security agents reportedly assaulted some of the Catholics and confiscated cell-phones of those attempting to record the incident.

Throughout 2016, Vietnamese officials deliberately targeted individuals for interacting with foreign representatives, particularly Westerners. In March 2016 authorities detained Tran Thi Hong, the wife of imprisoned Pastor Nguyen Cong Chinh, as she was en route to meet with then U.S. Ambassador-at-Large for International Religious Freedom David Saperstein. She eventually met the U.S. delegation at her home, but she and her family have since been subjected to repeated harassment by officials.

In August 2016, officials targeted two individuals from the Montagnard Evangelical Church of Christ who attended a regional religious freedom conference in Timor-Leste. Public security in Kon Tum Province arrested Pastor A Dao after he returned to Vietnam from the conference, confiscating documents and his electronic devices. In April 2017, a Vietnamese court sentenced Pastor A Dao to five years in prison for allegedly assisting Montagnards in fleeing the country. Officials similarly interrogated and searched the



home of Y Bet, confiscating her personal belongings. Public security also harassed and threatened two other individuals in connection with Pastor A Dao and Ms. Y Bet's participation in the conference. In addition, authorities scrutinized two men upon their return to Vietnam from the conference: Bui Van Tham, a Hao Hao Buddhist, was detained, and Professor Dinh Kim Phuc was interrogated at least twice. Two other men, Mennonite Pastor Pham Ngoc Thach, a former prisoner of conscience, and Cao Dai Popular Council Representative Nguyen Van Phuc were prevented from leaving the country to attend the conference.

Ethnic minority Montagnards from the Central Highlands, many of whom are Protestant, face numerous government restrictions: some are prevented from holding religious ceremonies, many are summoned to meet with local authorities and pressured to cease practicing their faith, and pastors are harassed or punished.

Religious organizations continue to report threats of eviction from or demolition of their religious property. Not all seizures or destruction of religious property are related to religious freedom, but in many cases the acts ultimately disrupt or interfere with religious practices. For example, on March 24, 2016, officials attempted to seize the An Ninh Tay Cao Dai Temple in Long An Province by locking the doors and demanding that two church officials abandon the temple. The temple is used by followers of the independent Cao Dai Church, whom local officials have for years tried to pressure into joining the government-sanctioned Cao Dai Church. In June 2016, local authorities desecrated a cross and destroyed other property at the Thien An Catholic monastery in Thua Thien-Hue Province. More recently, in July 2017, police stormed the monastery and attacked monks as the government tried to take over property that the Benedictines claim to have owned since 1940. On September 8, 2016, authorities in Ho Chi Minh City seized and demolished the UBCV-affiliated Lien Tri Pagoda and evicted its monks. For more than two years, authorities threatened to demolish the pagoda, harassing and intimidating Buddhists in order to make way for development projects.

The government harassed followers of the small Christian sect known as Duong Van Minh and burned and/or destroyed funeral storage sheds central to the group's core practices. On August 29, 2016, in Tuyen Quang Province, authorities reportedly injured at least eight Duong Van Minh followers while destroying the group's funeral sheds.

On November 18, 2016, Vietnam's National Assembly approved the Law on Belief and Religion; the law will be effective as of January 1, 2018. The law contains several positive elements: it extends legal personality to some religious organizations; reduces the time religious organizations must wait for government registration; encourages the establishment of religious schools or other educational facilities; and transitions some government approvals to notifications, for example, regarding clergy and certain religious activities.

However, critics believe the law will restrict freedoms through burdensome, mandatory registration requirements and empower the Vietnamese government to excessively interfere in religious life. Critics also believe the law's modest improvements largely benefit only registered, state-recognized religious organizations. The law also contains a vaguely worded national security provision that human rights advocates and religious communities are concerned will be open to broad interpretation that restricts freedoms, especially at the local level.

In general, the Vietnamese government cracks down on anyone challenging its authority, including lawyers, bloggers, activists, civil society, and religious organizations. For example, the government represses online dissent: in March 2016, a well-known political blogger and his assistant, Nguyen Huu Vinh and Nguyen Thi Minh Thuy, received five- and three-year prison sentences, respectively, for posting so-called "anti-state" articles. In September 2016, their sentences were upheld after an unsuccessful appeal.

Also, in 2016 an environmental disaster resulted in extensive fish and marine life die-offs and undue hardship on local fisherman and residents in central Vietnam. As the government arrested peaceful demonstrators who were angered by the government's lack of transparency about the catastrophe, many local religious organizations provided support and resources to those impacted and were harassed by the authorities for trying to help the demonstrators. In 2017, uniformed and plainclothes officials, as well as hired thugs, have beaten, harassed, and interrogated Catholic activists and others from Song Ngoc Catholic Parish in Nghe An Province for peacefully demonstrating about the government's handling of the disaster.

(For further information, refer to USCIRF's report, [\*Religious Freedom in Vietnam: Assessing the Country of Particular Concern Designation 10 Years after its Removal\*](#).)

## ***Freedom of Religion or Belief Constitutional Provisions***

Freedom of religion or belief is an internationally recognized and protected right, primarily under the UDHR and ICCPR. Aside from the constitutional protections, which are often inadequate or disregarded, the 10 ASEAN Member States, like all [UN Member States](#), are bound to uphold the UDHR. Protections for freedom of religion or belief are more expansively defined under the ICCPR's Article 18:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

ASEAN Member States constitutionally protect freedom of religion or belief to varying degrees (see Table 1 on p.26). Most refer to the right to “practice,” “profess,” or “worship,” which is part of religious freedom, but does not capture the full extent of the right. In addition, many governments subsequently adopt or implement laws, policies, and practices that restrict freedom of religion or belief notwithstanding the constitutional protections. Also, that not all 10 ASEAN Member States are currently party to the ICCPR is a major impediment to freedom of religion or belief in the region.

## **Common and Crosscutting Challenges**

In monitoring freedom of religion or belief globally, USCIRF often observes transnational issues and trends occurring in multiple countries, including in countries where the overall religious freedom situation is not otherwise included in USCIRF's annual

reports. USCIRF has frequently urged the U.S. government to consistently raise religious freedom concerns, publicly and privately, at every level of the bilateral relationship with countries around the world. Notably, this includes drawing linkages between freedom of religion or belief and other issues to stress that religious freedom and related human rights are an integral part of U.S. relationships with foreign countries. In ASEAN, some of these issues include trade, freedom of navigation (such as in the South China Sea), military cooperation, and sanctions against North Korea, among others.

This nonexhaustive account of regional challenges below serves two purposes: 1) to place violations of the freedom of religion or belief into context with greater regional trends that the ASEAN Member States would be well-served in jointly addressing; and 2) to demonstrate that ASEAN's principle of non-interference (discussed in the next chapter) often runs contradictory to the natural interconnectedness of the region.

## ***Refugees/Internal Displacement/ Migration/Trafficking***

As part of USCIRF's assessment of religious freedom conditions abroad, the Commission monitors the situation for persons displaced due to religious persecution. In cases of religious persecution, individuals are prompted to flee because their own governments either are perpetrating the abuses or do not protect them from abuses committed by non-state actors. USCIRF reviews the country where the persecution occurred, or is likely to occur based on credible threats of intimidation, physical violence, and/or imprisonment. Also, USCIRF reviews the country or countries where refugees flee and monitors how these individuals and communities are treated, particularly given that they are protected under the 1951 Refugee Convention and its 1967 Protocol. (In ASEAN, only Cambodia and the Philippines are signatories.)

Not only is Southeast Asia prone to the frequent flow of people through migration or trafficking, but it is also known for being a hub of refugees fleeing from far-flung areas of the world, including Afghanistan, China, Iraq, Pakistan, and Syria. Yet the ASEAN Member States fall far short of offering safe haven, as evidenced by the region's poor handling of the 2015 refugee crisis when, according to the UNHCR, more than “5,000 refugees and migrants were abandoned by smugglers in the Bay of Bengal and Andaman

**Table 1. Freedom of Religion or Belief Constitutional Provisions**

Country	Article/Section	Provision
Brunei Constitution of 1959, revised 2011 <sup>8</sup>	Part II, article 3, clause 1	The official religion of Brunei Darussalam shall be the Islamic Religion: Provided that all other religions may be practiced in peace and harmony by the persons professing them.
Burma Constitution of 2008 <sup>9</sup>	Chapter I, article 34	Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this Constitution.
Cambodia Constitution of 1993, revised 2014 <sup>10</sup>	Chapter III, article 43	Khmer citizens of both sexes shall have the full right of belief. Freedom of belief and religious practice shall be guaranteed by the State, provided that such freedom and religious practice do not impinge on other beliefs or religions, on public order and security. Buddhism is [the] State's religion.
Indonesia Constitution of 1945, revised 2002 <sup>11</sup>	2002 <sup>12</sup> : Chapter XI, article 29, clauses 1 and 2	1: The state shall be based upon Belief in The One and Only God. 2: The state shall guarantee freedom to every resident to adhere to his/her religion and to worship in accordance with such religion and belief.
Laos Constitution of 1991, revised 2003, amended 2015 <sup>13</sup>	Chapter IV, article 43	Laos citizens have the right and freedom to believe or not to believe in religions that are not in contradiction with the law.
Malaysia Constitution of 1957, revised 2009 <sup>14</sup>	Part I, article 3; Part II article 11	Part I, article 3(1): Islam is the religion of the Federation; but other religions may be practiced in peace and harmony in any part of the Federation. Part II, article 11(1): Every person has the right to profess and practice his religion and, subject to Clause (4) [state and federal governments can restrict the propagation of religion to Muslims], to propagate it.
Philippines Constitution of 1987 <sup>15</sup>	Article III, section 5	No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.
Singapore Constitution of 1965, revised 2017 <sup>16</sup>	Part IV, section 15	Section 15(1): Every person has the right to profess and practice his religion and to propagate it.
Thailand Constitution of 2017 <sup>17</sup>	Chapter III, section 31	A person shall enjoy full liberty to profess a religion, and shall enjoy the liberty to exercise or practice a form of worship in accordance with his or her religious principles, provided that it shall not be adverse to the duties of the Thai people, neither shall it endanger the safety of the State, nor shall it be contrary to public order or good morals.
Vietnam Constitution of 1992, revised 2013 <sup>18</sup>	Chapter 2, article 24	1. Every one shall enjoy freedom of belief and of religion; he can follow any religion or follow none. All religions are equal before the law. 2. The State respects and protects freedom of belief and of religion. 3. No one has the right to infringe on the freedom of belief and religion or to take advantage of belief and religion to violate the laws.

Sea.”<sup>19</sup> While the insufficient handling of asylum seekers is not unique to ASEAN, the region’s central location as a natural transit point for these individuals from around the globe heightens the exigency to assist vulnerable individuals and families.

Refugees, asylum seekers, trafficked persons, and those internally displaced and/or stateless typically have limited access to government or nongovernmental support and generally cannot be employed legally. It is the responsibility of ASEAN Member State governments to fill protection gaps for asylum seekers and others within their own borders, including the end of indefinite detention, and to seek broader solutions throughout the region. This also means better

coordination to avoid refoulement (forced repatriation), both within ASEAN and across the broader Asia Pacific—for example, between Vietnam and Cambodia regarding Montagnard Christians, and between Thailand and China regarding Uighur Muslims.

### **Terrorism**

Around the world, some governments use anti-extremism and antiterrorism laws to severely limit religious communities’ activities, stifle peaceful dissent, and imprison people. In fact, peaceful religious practitioners often are jailed or fined after being charged with crimes of extremism or terrorism. The challenges raised by the relative ease of communication in the





MARAWI, PHILIPPINES - JULY 22: A soldier walking past a mosque on July 22, 2017 in Marawi, southern Philippines. The Philippine Congress voted [that day] to extend martial law in the southern part of the country since it was imposed to crush a rebellion by Islamic State-inspired militants. The decision was made two days before President Rodrigo Duterte delivered his annual state of the nation address as analysts had reportedly said Mr. Duterte appeared to be using the crisis in Marawi as an excuse to impose authoritarian rule in the Philippines. (Photo by Jes Aznar/Getty Images)

Internet age further threaten some governments' grip on power and have, at times, contributed to steps to censor speech (including online) or exploit blasphemy and defamation laws to silence critics and political opponents. In other cases, governments—in either their constitutions or other laws and practices—restrict peaceful religious activities and expression through “national security” measures.

In Southeast Asia, experts have noted the growing presence of homegrown, regional, and global terrorist networks, including Muhajihin Indonesia Timur in Indonesia, Abu Sayyaf and other groups in the Philippines, and ISIS and affiliated organizations in Indonesia and Malaysia, among others. Not only have these groups targeted ASEAN countries for violent and deadly attacks, but they also have intensified both recruiting efforts in the region and training of foreign fighters. As in other parts of the world, often these individuals and groups distort and misrepresent their faith to justify their words and deeds.

The regular Shangri-La Dialogue (SLD) gathers regional stakeholders to discuss defense and security issues. At the most recent SLD, held in Singapore June 2–4, 2017, Indonesia, Malaysia, and the Philippines, announced enhanced cooperation to combat terrorist and extremist threats, such as ISIS, by jointly patrolling shared border areas. Although the effort is not directly linked to ASEAN, it still demonstrates that both external and internal threats are not always confined to one's borders and serves as a reminder that ASEAN governments should develop comprehensive plans to identify and reintegrate those who have fought for extremist groups and returned to their home countries.

### **Nationalism**

Religion has strong linkages to politics, culture, ethnicity, and national identity. In some cases, religious nationalism arises when actors exploit religion in a manner that creates or deepens social cleavages along religious lines.



Ashin Tilawkar Biwonsa, Ma Ba Tha's founder and chairman, addresses a celebration of the recent establishment of four controversial bills decried by rights groups as aimed at discriminating against the country's Muslim minority, at a rally in a stadium at Yangon October 4, 2015. (Photo by REUTERS/Soe Zeya Tun)

First, when religion is linked to instances of violence, discrimination, or illegal speech, often it can be difficult to discern whether disagreements or grievances about religion truly are at the core of the matter, or if certain actors have manipulated religion for political or social gain, or both. The politicization of religion in some countries is very evident; in ASEAN, pertinent examples include Malaysia and Indonesia, as well as Burma to an increasing degree in recent years.

Second, in countries where religion is virtually indivisible from deeply held cultural traditions, it is common for individuals to personally identify with a faith (often the majority faith) even if they do not practice the faith. Also, sometimes adherents to one faith practice differing interpretations of the faith, prompting some adherents to claim that theirs is the more "pure" interpretation and that others are "deviant." This can pit related faiths and/or coreligionists against one another and lead to tension, discrimination, and violence.

Third, in some instances religion is intertwined with specific ethnicities (e.g., Malaysia's constitution defines Malays—the majority ethnic group—as Mus-

lim), which can cause tensions between and within majority and minority religious and ethnic groups. It can exclude individuals not from the majority religion and ethnicity; it can also alienate those belonging to the majority group who feel pressure—real or perceived—to remain in the majority faith even if they would prefer to convert to a faith of their own choosing or to have no faith at all.

And fourth, religion can be a profound embodiment of self, family, community, and country. It is a way to relate to others and to the world, and it is one of many ways in which people identify themselves, both inwardly and outwardly. Also, religion provides many people with an origin narrative—an explanation about why and who they are, both as individuals and as a nation. Thus, religion can offer a sense of pride in one's country and heritage. In much of Southeast Asia, religion has shaped history through colonialism and imperialism, such that nationalism has become a unifying expression to break with a country's colonial past.

Articulating nationalistic sentiment with respect to religion is a neutral concept: it becomes alarming



only when individuals and groups manipulate religion in a way that is detrimental to other, often minority, religious and ethnic groups. Religious nationalism in the ASEAN Member States is evident among some Buddhists in Burma, Malay (Sunni) Muslims in Malaysia, and Sunni Muslims in Indonesia.

### **Prisoners of Conscience**

It is particularly deplorable for a government to detain, imprison, and torture its own people simply because of their faith. USCIRF has long been active in efforts to advocate on behalf of prisoners of conscience, and against the repressive laws and policies of the governments holding them. For example, in 2012 USCIRF partnered with Amnesty International USA and the Tom Lantos Human Rights Commission to create the [Defending Freedoms Project](#), which pairs members of the U.S. Congress with prisoners of conscience in order to hold culpable governments to account and help free the prisoners.

More recently, USCIRF launched a new initiative to help prisoners of conscience. Specifically, USCIRF created the [Religious Prisoners of Conscience Project](#), which pairs USCIRF Commissioners with prisoners of conscience to highlight their cases and the injustice of their continued detention. Prisoners adopted from ASEAN Member States include:

- Vietnamese Pastor Nguyen Cong Chinh, an evangelical pastor, serving 11 years in prison for allegedly “undermining national solidarity”; adopted by Ambassador Jackie Wolcott. The adoption includes Pastor Chinh’s wife, Tran Thi Hong, whom authorities have repeatedly harassed, interrogated, and physically harmed. UPDATE: Pastor Nguyen Cong Chinh was released from prison on July 28, 2017, but was immediately exiled from Vietnam. He, his wife Tran Thi Hong, and their five children have safely relocated to the United States.
- Zaw Zaw Latt and Pwint Phyu Latt are Muslim interfaith activists in Burma who were each sentenced to two, two-year terms in prison on charges relating to their peace and interfaith activities in 2013 and 2014; adopted by Chairman Daniel Mark. UPDATE: Zaw Zaw Latt and Pwint Phyu Latt were released from prison on May 24, 2017, along with more than 250 other prisoners Burma’s government freed as part of a presidential amnesty.

### **Blasphemy and Related Laws**

USCIRF and others have underscored that blasphemy laws violate the freedoms of religion and expression and increase intolerance and violence, and have worked hard to counter the idea that religions should be protected from “defamation.” For example, in 2011 USCIRF supported the UN Human Rights Council’s adoption of a resolution that dropped problematic language on “defamation of religions” and instead focused on combating intolerance, discrimination, and incitement to violence without restricting speech. For more information about blasphemy laws around the world, see USCIRF’s report, [Respecting Rights?: Measuring the World’s Blasphemy Laws](#).

The existence and implementation of blasphemy laws have incited or inspired violence around the world. Blasphemy is “the act of insulting or showing contempt or lack of reverence for God.” In more than 70 countries worldwide, laws criminalize acts and expression deemed blasphemous, defamatory of religion, or contemptuous or insulting to religion or religious symbols, figures, or feelings. Governments justify these laws and the charges brought under them as necessary to promote religious harmony. Oftentimes, the application of these laws results in the jailing of individuals for merely expressing a different religious belief or for their ignorance in inadvertently offending someone else’s religion. International law experts repeatedly have deemed blasphemy-type laws incompatible with human rights commitments.

Blasphemy laws are ripe for abuse by accusers harboring political or economic grudges. Blasphemy charges often are based on false accusations, generally by members of a majority religious group against those from a religious minority community. (For more information, refer to Table 2: Examples of Blasphemy and Related Laws on p.30.)

### **ASEAN’s Principle of Non-Interference**

With roots in the region’s legacy of colonization, as well as the legacy of the Non-Aligned Movement, ASEAN’s principle of non-interference and general preeminence of national sovereignty and integrity can be traced to the body’s earliest constituting documents, including the [ASEAN Declaration](#) (1967), the [Zone of Peace, Freedom and Neutrality Declaration](#) (1971), and the [Treaty of Amity and Cooperation in Southeast Asia](#) (1976). It also appears in Article 2 of its [Charter](#) (2007): clause 2(a) “respect for the independence, sovereignty, equality, territorial integrity and national identity of all

**Table 2. Examples of Blasphemy and Related Laws**

**Examples of Blasphemy and Related Laws**

The following are examples of blasphemy and related laws among the ASEAN Member States. While these examples come from each of the country’s penal codes, some countries use additional laws to criminalize what their governments consider to be illegal speech, such as Malaysia’s Sedition Act; Burma’s Telecommunications Law, Article 66(d); and Indonesia’s 2008 Electronic Information and Transaction Law (amended in 2016) that criminalizes electronic information or documents that contain insult or defamation.

Country	Penal Code	Provision
Brunei <sup>20</sup>	Article 295	“injuring or defiling a place of worship with intent to insult the religion of any class”
	Article 297	“trespassing on burial places, etc.”
	Article 298	“uttering words, etc., with deliberate intent to wound religious feelings”
Burma <sup>21</sup>	Article 295(a)	“deliberate and malicious acts intended to outrage religious feelings of any class of persons by insulting its religion or religious beliefs”
	Article 297	“trespassing on burial places, etc.”
	Article 298	“uttering words, etc.; with deliberate intent to wound religious feelings”
Indonesia <sup>22</sup>	Article 156(a)	“...any person who deliberately in public gives expression to feelings or commits and act, Which principally have the character of being at enmity with, abusing or staining a religion, adhered to in Indonesia; With the intention to prevent a person to adhere to any religion based on the belief of the almighty God”
Malaysia <sup>23</sup>	Article 295	“injuring or defiling a place of worship with intent to insult the religion of any class”
	Article 297	“trespassing on burial places, etc.”
	Article 298	“uttering words, etc., with deliberate intent to wound the religious feelings of any person”
	Article 298(a)	“causing, etc., disharmony, disunity, or feelings of enmity, hatred or ill-will, or prejudicing, etc., the maintenance of harmony or unity, on grounds of religion”
Philippines <sup>24</sup>	Article 133	“Offending the religious feelings—The penalty of <i>arresto mayor</i> [suspension of suffrage] in its maximum period to <i>prision correccional</i> in its minimum period shall be imposed on anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful”
Singapore <sup>25</sup>	Article 295	“injuring or defiling a place of worship with intent to insult the religion of any class”
	Article 297	“trespassing on burial places, etc.”
	Article 298	“uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person”
Thailand <sup>26, 27</sup>	Section 206	“insulting or defaming a religion”

ASEAN Member States”; and clause 2(e) “non-interference in the internal affairs of ASEAN Member States.” Further, when regional conflicts arise, ASEAN seeks consensus about how to proceed and generally will not intervene without the consent of all parties, including the state whose actions (or inaction, as the case may be) are being challenged or gave rise to the conflict.

ASEAN Member States regularly invoke the principle of non-interference. Over time, however, some observers have noted that the Member States do not always adhere to the principle in practice, and perhaps less so than the international community assumes, particularly when ASEAN Member States choose to intervene—individually or jointly—through quiet diplomacy. Although it may appear that Member States assiduously observe non-intervention and

consensus-building, extenuating circumstances have led them to act outside these core tenets. In such cases, ASEAN Member States were motivated to set aside the non-interference norm because the action or inaction by one of the members threatened their own security, including economic security. Moreover, interventions based on humanitarian and human rights grounds are common among the broader community of nations. (For more information, refer to Table 3: Examples of ASEAN Setting Aside the Principle of Non-Interference.)

While the ASEAN countries justifiably first and foremost protect their own interests, each has a broader responsibility to act in harmony with the community of nations, particularly when human rights issues—including freedom of religion or



Jakarta's Governor Basuki Tjahaja Purnama, also known as Ahok, gestures inside the courtroom during his blasphemy trial at the auditorium of the Agriculture Ministry in Jakarta, Indonesia, January 3, 2017. [In May 2017, Ahok was convicted of blasphemy and sentenced to two years in prison.] (Photo by REUTERS/Dharma Wijayanto)

belief—transcend borders. (For more information, refer to the “Common and Crosscutting Challenges” section.) In short, a [note](#) from the secretary-general for the 71st session of the UN General Assembly about the elimination of all forms of religious intolerance succinctly captures the responsibilities countries have to the international community:

*By ratifying international treaties, Governments formally corroborate the understanding that respect for and protection and promotion of human rights is both a national duty and a matter of international concern. In addition, there is broad consensus that human rights also constitute an indispensable part of customary law.<sup>28</sup>*

### U.S.-ASEAN Relations

Southeast Asia is a region whose global importance will continue to grow. It is of national and strategic interest that the United States build and maintain relationships with the ASEAN Member States (including on economic, security, maritime, education, and humanitarian issues). The United States has much to gain from ASEAN, and there are boundless strategic benefits to robust U.S. engagement. During ASEAN's

50th year and after 40 years of U.S.-ASEAN engagement, the United States should leverage its interest and influence in the region to press Member States to uphold international human rights standards.

The United States has a long, mixed history in Southeast Asia, from the war legacies in Vietnam and Laos to supporting Cambodia's peace process. Over time, U.S. influence in the region has ebbed and flowed, including since first connecting with ASEAN in 1977 as a dialogue partner. There are three forums under ASEAN that incorporate other regional and global stakeholders. The United States belongs to two: the ASEAN Regional Forum (ARF) and the East Asia Summit (EAS). The third forum, ASEAN Plus Three, includes China, Japan, and South Korea. In 2015, nearly four decades later, the United States and ASEAN elevated the relationship to a strategic partnership to provide a structural framework for existing and future plans to deepen cooperation.

The United States has always made strategic inroads in Southeast Asia, and at times the efforts have been more cohesive than others. In 2008, the United States named Scot Marciel (the current U.S. ambassador to Burma) as the first-ever U.S. ambassador to



**Table 3: Examples of ASEAN Setting Aside the Principle of Non-Interference**

Country	Example
Indonesia, 1997	<u>ASEAN Intervened in “The Haze”</u> <sup>22</sup> When Indonesian industrial agricultural practices (i.e., burning huge swaths of land) resulted in massive environmental damage, including the creation of a large haze that covered several Southeast Asian nations, ASEAN was forced to accept that individual states’ actions were not always contained by borders and could have far-reaching effects on the region. Consequently, ASEAN began to develop joint action plans for dealing with disasters and other urgent environmental issues. Indonesia’s then President Suharto even apologized for the haze and for his government’s previous reluctance to address it.
Burma, 2003	<u>ASEAN Criticized Burma’s Government for Attacks on an NLD Convoy and the Detention of Aung San Suu Kyi</u> In 2003, following a military attack on a convoy transporting Aung San Suu Kyi, leader of the then opposition National League for Democracy, ASEAN Member States could no longer keep quiet about their discomfort with Burma’s brutal military regime. “At the foreign ministers’ meeting in Phnom Penh in June, ASEAN issued a statement calling for Suu Kyi’s release.” <sup>30</sup>
Burma, 2005–2006	<u>ASEAN Denounced Burma’s Military Regime and Opposed its Chairmanship of ASEAN</u> <sup>31</sup> ASEAN’s general unease with Burma persisted, in part because decades-long armed ethnic conflicts have spilled over the country’s borders: for example, the military and ethnic armed groups use opium sales to fund their arsenals, which exacerbates problems associated with drug trafficking in the region; at times, fighting also has spilled into neighboring countries and has included a steady flow of political refugees, many fleeing human rights abuses. When Burma was scheduled to take on the rotating ASEAN chairmanship in 2006, Member States could no longer remain inactive. The ASEAN Member States coordinated a unified response, blocking Burma from assuming the chairmanship. In fact, it was not until 2014 that Burma chaired ASEAN for the first time, after a quasi-civilian government was instituted.

ASEAN, the first non-ASEAN country to assign such a position. According to the [U.S. Mission to ASEAN](#) (based in Jakarta, Indonesia, and established in 2010), there are five key areas of U.S.-ASEAN partnership: supporting economic integration, expanding maritime cooperation, cultivating emerging leaders, promoting opportunities for women, and addressing transnational challenges. Under the Asia “Pivot” or “Rebalance,” the United States launched initiatives like the Young Southeast Asian Leaders Initiative and partnered with the region in the Lower Mekong Initiative.

*“That ASEAN has achieved some level of cooperation across such diversity is significant.”*

On February 15–16, 2016, then President Barack Obama hosted the first-ever ASEAN Summit on U.S. soil in Sunnylands, California. Proponents viewed it as another sign of the past Administration’s deep commitment to the region; critics disapproved of the high-level fanfare granted to leaders of the ASEAN Member States, many of whom have poor human rights records. Also in 2016, the United States announced the U.S.-ASEAN Connect Initiative to

expand U.S. economic engagement with the region to support the ASEAN Economic Community and help foster business and job opportunities.

The United States also has engaged under the new Administration of President Donald Trump. In March 2017, Secretary of State Rex Tillerson hosted foreign diplomats from the DC-based embassies of the ASEAN countries. He convened another Washington, DC, meeting in May 2017 with the ASEAN foreign ministers. According to the White House, President Trump intends to attend a trio of regional summits later this year: the U.S.-ASEAN Summit, the EAS, and the Asia Pacific Economic Cooperation Summit. President Trump invited three regional leaders to the White House: Thailand’s prime minister, General Prayut Chan-ocha; Singapore’s prime minister, Lee Hsien Loong; and the Philippines’ president, Rodrigo Duterte. At the time of writing, President Trump had already hosted Vietnam’s prime minister, Nguyen Xuan Phuc, and the two leaders committed to enhancing the relationship between their countries’ Comprehensive Partnership agreement.

Some observers characterize U.S. interest in Southeast Asia through a China lens. While the polarity of the U.S.-China relationship cannot be ignored, this perspective is both reductive and myopic. Undeniably, Member States factor the U.S.-China dynamic into their decision-making, affecting bilateral rela-

tionships with both world powers and multilateral relationships ASEAN-wide. This is one of the reasons the Trans-Pacific Partnership trade agreement garnered so much interest across the region. In fact, this “fear of missing out” drives much of the posturing between and across the ASEAN Member States in relation to the United States and China. Yet of all the regional issues to consider, the protection of human rights rarely receives the attention it deserves.

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*“ASEAN Member States may be concerned that advocating for freedom of religion or belief will alienate majority religious and ethnic communities.”*

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Although some of the ASEAN Member States are more open to U.S. engagement about human rights issues, strong and consistent prodding from the United States would send a clear signal about U.S. priorities in the region. As USCIRF has long noted, there is a need for continuous, high-level interest from the president, secretary of state, and members of Congress about the importance of international religious freedom and a need to express such interest publicly.

USCIRF’s role as a U.S. government advisory body is to ensure freedom of religion or belief remains a critical part of U.S. foreign policy. In part, USCIRF does so by recommending countries the secretary of state should designate as CPCs. Currently, only one ASEAN country—Burma—is so designated by the State Department. Another—Vietnam—was designated as a CPC from September 15, 2004, to November 13, 2006. Given the serious nature of ongoing violations of religious freedom in Vietnam, USCIRF has consistently recommended that the State Department redesignate Vietnam as a CPC. In the most recent [2017 Annual Report](#), USCIRF recommends the State Department designate both Burma and Vietnam as CPCs. USCIRF also includes a Tier 2 category to account for countries where the government engages in or tolerates serious abuses of religious freedom characterized by at least one of the elements of the “systematic, ongoing, and egregious” CPC standard. Among the ASEAN countries, Indonesia, Laos, and Malaysia are so categorized.

## Conclusion

That ASEAN has achieved some level of cooperation across such diversity—and recognized the need to do so 50 years ago—is significant. It is a testament to the Member States’ strategic desire to work across borders in a unified regional bloc to represent their collective interests on the global stage.

The ASEAN region will continue to develop and strengthen whether the United States deepens its level of engagement or not. But to miss out on opportunities not only would be to turn our backs on our friends and Pacific neighbors, but also would squander the chance to reinforce key international norms, particularly related to freedom of religion or belief. These efforts could be far more impactful if ASEAN heard mutually reinforcing messages about freedom of religion or belief from others in the international community, including foreign governments, civil society, and nongovernmental organizations. ASEAN and the individual Member States must understand that the global community of nations is grounded in the premise that everyone observe a rules-based international order, which includes the responsibility to uphold freedom of religion or belief and related human rights.

ASEAN Member States may be concerned that advocating for freedom of religion or belief and supporting religious and ethnic minorities will alienate majority religious and ethnic communities, particularly at a time when several of them are contending with terrorist threats, rising nationalist sentiment, and the actions of certain political actors motivated to fuel religious divisions. But there is safety in numbers: the more that ASEAN Member States rely on one another for support regarding issues that can sometimes be challenging or sensitive to navigate, such as freedom of religion or belief, the more emboldened they may feel to take intrepid steps to protect this fundamental right. Similarly, the more that Member States embrace basic freedoms for all, the stronger the fabric that ties them together in ASEAN, truly living up to the motto, “One Vision, One Identity, One Community.”

## Benchmarks and Best Practices for Freedom of Religion or Belief

As a U.S. government advisory body, USCIRF makes policy recommendations to the president, secretary of state, and Congress about freedom of religion or belief abroad. In this report, however, rather than offer



guidance to the U.S. government, USCIRF suggests to ASEAN the following benchmarks and best practices for freedom of religion or belief as applicable to the entire unit and/or to individual Member States:

- Update or replace the ASEAN Human Rights Declaration with a document that includes freedom of religion or belief language consistent with international standards, particularly the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
- Become party to and act consistently with key international human rights instruments, including but not limited to:
  - ◊ The International Covenant on Civil and Political Rights;
  - ◊ The 1951 Refugee Convention and its 1967 Protocol; and
  - ◊ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Encourage and support country visits by the UN Special Rapporteur on Freedom of Religion or Belief and other relevant UN experts;
- Ensure consistent and unimpeded access by humanitarian aid workers, international human rights monitors, and independent media to vulnerable populations and conflict areas, including but not limited to: religious and ethnic minorities; internally displaced and/or stateless individuals and groups; prisoners of conscience and political prisoners; women and children; individuals kidnapped or trafficked; victims of sexual abuse, including when rape is used as a weapon of war; underserved areas and areas of poverty; and areas in need of humanitarian assistance;
- Repeal laws and other policies and release anyone facing charges, detained, or sentenced for “deviancy,” “denigrating or insulting religion,” “defamation,” or “blasphemy”;
- Release prisoners of conscience and persons detained or awaiting trial, treat prisoners humanely, permit them the ability to practice their faith in prison or detention, and allow them access to family, human rights monitors, adequate medical care, and lawyers; and
- Coordinate and strengthen interfaith relationships not only to promote better understanding

across faiths and across borders, but also as a step toward thwarting or responding to extremist activities and radicalization.

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732 North Capitol Street, NW, Suite A714  
Washington, D.C. 20401

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Telephone: (202) 523-3240, Fax: (202) 523-5020  
[media@uscirf.gov](mailto:media@uscirf.gov) | @USCIRF